

Planning Committee

18th January 2018

Present:

Members (15)

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); Savage (LS); Thornton (PT);

Substitute: Councillor Matt Babbage (MB)

Officers

Martin Chandler, Team Leader, Development Management (MC)
Michelle Payne, Senior Planning Officer (MP)
Chris Chavasse, Senior Trees Officer (CC)
Annie Holdstock, Trees Officer (AH)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Wheeler and Seacome. Councillor Hobley sent apologies for his late arrival.

2. Declarations of interest

17/02402/CONDIT Ragged Stone, Old Reddings Road

Councillor Babbage – a family member lives in the vicinity of the application site – will leave the Chamber.

3. Declarations of independent site visits

17/02402/CONDIT Ragged Stone, Old Reddings Road

Councillor Collins – knows the site well.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 14th December 2017 be approved and signed as a correct record *without* corrections.

6. Planning applications

Application Number:	17/01088/FUL
Location:	Land opposite Forden House, Timbercombe Lane
Proposal:	Erection of 5 dwellings with new vehicular access arrangements, provision of landscaping and other associated works

WITHDRAWN

Councillor Babbage left the Chamber before the start of the debate on this item.

Application Number:	17/02402/CONDIT
Location:	Ragged Stone, Old Reddings Road
Proposal:	Variation of condition 2 (approved plans) on planning permission ref. 15/01673/FUL to allow for an increase in parapet heights
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	9
Update Report:	None

MP introduced the application as above, saying that planning permission for a single-storey dwelling on land to the rear of Ragged Stone was originally granted in November 2015. Work subsequently started, and during construction it became apparent that the height of the building would be higher than the approved scheme, and an application for a minor amendment was therefore made. The report refers to an increase of 300mm, but in fact this is 250mm on the lower part of the dwelling, and 150mm on the higher part. It is at Committee at the request of Councillor Britter. The recommendation is to permit.

Public Speaking:

Mr Richard Burgess, neighbour, in objection

Is representing the many residents who are opposed to this application, and who are unhappy at the lack of important detail in the very dismissive officer report. Regarding visual impact, at 6.1.1, the report states that the land levels in Old Reddings Close are 500mm higher than the application site, which should soften the visual impact of the new structure, but this isn't the case from the adjoining properties in Old Reddings Road. At 6.2.4, the report downplays the impact on the immediate neighbours, suggesting that boundary enclosures would help, but this isn't possible next to Roebuck, as the wall is touching the boundary fence. The application raises the height of the structure by 30cm (four bricks), which increases shadow and reduces sunlight over the neighbour's garden. The report gives no explanation of the reason for the increase. It says it was influenced by a number of factors, including the need to provide a deeper than typical ground-bearing slab due to poor conditions – but what does this have to do with increasing the built height of the wooden structure on top of the slab?

The structure had been built to the now-requested size months before the current application was made on 9th December. The enforcement team was told it was too high in October; work stopped, then continued apace. The original 2015 plans and the current update show an increase of 30cm in the thickness of the roof structure, and the enforcement team confirmed that larger roof timbers had to be introduced to strengthen the roof. Was this due to a monumental architectural error and lack of scrutiny by planning officers, hoping local residents wouldn't notice? Why wasn't the structure design adjusted at the beginning to accommodate the larger roof supports and maintain the approved height? And why was the developer confident to carry on work, even though the error had come to light? Reflecting on the innocuous, short sentence in the RPA "Construction detailing of roof depth has resulted in a requirement to slightly amend/raise parapet heights" with

no explanation of dimensions, and submitted months after the construction was built, was this intended to be glossed over while building continued?

There are still serious concerns about this development, regarding a history of flooding of surrounding gardens and clarification on drainage from the site. Residents expect CBC to uphold planning rules and demonstrate to the public that they are acting honestly and legally. This type of issue has the potential to totally undermine the public's confidence in local authority and their responsibility in upholding values.

Mr Harry Madeley, applicant, in support

He and his partner were granted planning permission in 2015, to build their first home on her parents' land. Both grew up in Cheltenham and work locally, have a Reddings allotment, friends in the community, and would like to stay there and start a family. It has been an uphill struggle but also an amazing opportunity for a young couple to build their own home and get on the property ladder in an area where they would not be able to afford to buy a house.

During the later phase of construction, it became apparent that the building height marginally exceeds the original planning drawings, by 6 in. in the taller part and just under 10 in. in the lower, due to a change in roof construction. This increase is to accommodate larger roof joists; the ceiling and window heights inside remain the same as the original design. This outcome was not intentional, but the officer report states that the impact will not be noticeably greater, and the house still stands significantly lower than the surrounding properties. The new house is single storey and contemporary, with the ridge line lower than adjoining properties; the Architects' Panel said the scheme is 'well designed'.

There is concern from neighbouring properties in Old Reddings Road – whose houses are well over 100 feet from the new house – but there was no objection to the development's height or construction materials with the original application. The existing boundary is a low, agricultural fence, which does provide long views to the new house, but hopes that a more permanent and slightly higher fence can be provided in the future, to improve the situation for the neighbours. Regarding privacy, the height and position of the windows has not changes, and at ground level are noticeably lower than that of Old Reddings Close. If there was a simple way to reduce the height of the buildings, he would not be here tonight, but is looking for support for this minor material amendment.

Councillor Britter, in objection

Has been asked by many local residents to voice their concerns with regard to what they consider to be a retrospective application. Members will have seen on Planning View this overbearing building to which the whole neighbourhood is opposed. Comments can be summarised as follows: the additional height of the building is inappropriate, and the development is no longer single storey. It is too tall, imposing, and domineering over the site and that of the immediate neighbours. The change in roof height makes it more prominent, even with the flat roof, which is out-of-keeping with the style and pattern of the neighbourhood. It creates an overshadowing presence, due to its proximity to the neighbouring boundary; the building has already created a negative impact, and if allowed to go higher, will be a complete eyesore when finished. Why was the development not amended when it became apparent that changes to the roof structure would be needed, to stay within the height of the approved design - it is a wooden construction, after all. Policy CP4 requires new development to avoid unacceptable harm to neighbouring amenity, but local residents feel that this building as built has an adverse visual impact and affects the neighbours' use of their garden.

There is also concern that the vagueness of the submitted plan is deliberate, to hide design errors; this is the second application to vary the approved plans, so why did a plan full of mistakes and lacking in detail and clarity get permission in the first place? Residents feel the officer report is very dismissive and unprofessional, lacking in detail and failing to answer questions – which leads them to believe the outcome is a done deal, ignoring their concerns and fears, and even indicating

collusion between the planning team and architects. Policy CP7 requires new development to be of high architectural standard and to complement neighbouring development and the locality; the NPPF Paragraph 58 advises that development should respond to local character and reflect the identity of the local surroundings and materials – which residents feel this building has failed to do.

In view of this and other applications in The Reddings, where residents feel planning rules have been flouted, they feel badly let down by the planners, and bad feeling, disbelief and suspicion has raised anxieties about transparency and integrity, not only of the planning team but also of the whole council. The local community has spoken, and their wishes and concerns should be listened to. It is their wish that this major amendment be refused.

Member Debate:

MC: it has been interesting to listen to the different views of the objector, the applicant and the ward councillor. Has some points requiring clarification, and some questions. Was the decision on the original planning application made by the officer or the Committee? The original report quoted Policy CP4, that development will only be permitted where it would not cause harm to neighbouring amenity, concluding that it did not – is this still considered the case? When referring to the effect the new dwelling will have on neighbouring amenity, is the officer referring to No. 10 Old Reddings Close? If not, it should be, as this is the property which will feel the greatest impact. Was going to ask the exact increase in the height of the building – the report refers to ‘some 300mm higher than approved’ – but this has now been answered by the officer.

Who noticed that the dwelling was being built higher than approved? Was it the neighbour, the parish council, building control officers, enforcement officers? The speaker said that it had already been built before any challenge was made. Is concerned to read that the developer entered the neighbouring property without permission and damaged the fence – this should not be allowed. In photographs submitted by one of the objectors, the new dwelling appears to be right up against the neighbour’s fence – is this allowed? It has also been claimed that a new fence will soften the relationship of the new building with the neighbour’s garden. The speaker referred to a greater ground-bearing slab being required, but could this not have been placed lower in the ground – allowing the building to remain at the same height? And if this was noted early in the development process, the builder should surely have brought it to officers’ attention before continuing.

The fact that the builders carried on regardless is supported by the timeline, and begs the question as to why they continued to build something for which they didn’t have permission? They should have stopped and take advice from officers but it seems that they just continued regardless as it would be too difficult to change. This is a retrospective application, not an amendment, and the local authority must send the message that if something changes during the building process, building should stop. If applicants carry on, they must know that they do so at their own risk, and could face the expense of undoing what they have done.

Will listen to the rest of the debate, but isn’t comfortable with this. It is only a single storey dwelling, and should not be overbearing, but just looking at this one amendment and the trouble that has been caused by the builders not doing what they should have done and are responsible for – it is very annoying.

TO: can officers confirm the statement made by the applicant that the height of the windows and ceilings will remain the same? Is the height that Members saw on Planning View the finished height? It will be no higher than this?

MP, in response:

- To answer all of MC’s questions:
- the original application was decided under delegated powers; it was not called to Planning Committee;

- regarding the harm to neighbouring amenity and Policy CP4, if the current proposal had been put forward originally, officers would have reached the same conclusion regarding the impact on the neighbouring property, and granted permission;
- the neighbour most impacted by the proposal, as referred to in the report, in Roebuck, not Old Reddings Close;
- and as to who first noticed that the proposal wasn't being built to plan, is not sure of the answer here, but thinks it was reported to the enforcement team by a neighbour; enforcement officers then liaised with planning officers.

MC: is not sure that MP can answer his other questions. Still cannot understand why building didn't stop when the error was realised. This is annoying. Carrying on building without permission has got to stop. Planning permission is granted to build in line with the approved plans. If an amendment is needed, it must go through the proper process. To carry on building regardless is not the right thing to do.

MP, in response:

- asked for clarification from the enforcement officers after their site visit. It is not always expedient to demand that building work should stop, but applicants are always informed that if they carry on, they do so at their own risk;
- to TO, the only change to the building is in the height; the roof structure is deeper than originally approved, but everything else is the same as the previous permission.

Vote on officer recommendation to permit

8 in support

4 in objection

PERMIT

**Councillor Babbage returned to the Chamber for this item.
Councillor Hobley arrived at the meeting during this item.**

Application Number:	17/02251/TPO
Location:	1 Hazebrouck Close
Proposal:	Oak tree in rear garden - fell
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	Update Report: None

AHoldstock introduced the application as above, to fell a very large oak tree in the rear garden of the applicant's property. It is at Committee at the request of Councillor Whyborn. The recommendation is to permit, subject to the applicant re-planting a species to provide amenity to the local area.

Public Speaking:

Mr Ling, applicant, in support

The tree has a negative impact on his garden, home and family life – no grass, flowers or shrubs can grow underneath it, and the garden cannot be used for social events, such as barbecues. When the tree is in leaf in the summer, light is blocked out of the garden; the bare soil acts as a huge litter tray for local cats, and any vertical surfaces and the trampoline are covered with moss, making it impractical to use. The main impact of the tree is on his five-year-old daughter, who can't use the garden in summer or winter – there is no grass, and she cannot invite friends to play. Neighbours support the application to remove the tree, there have been no objections, and the ward councillor is also supportive. Is asking Members to agree to the request to remove the tree.

Councillor Whyborn, in support

The applicant's family is suffering a very considerable loss of amenity resulting from this tree. Hopes we have learnt in the last few decades not to allow developers to build so close to oak trees, but this house pre-dates any current recommendation. Wrong decisions were made, and this tree is in the wrong place in relation to the houses. Members will have seen the loss of amenity it causes on Planning View: there is no grass at all, as the tree takes all the goodness from the soil. There is also a risk of branches falling. Asked for the application to come to Committee, being aware that anything to do with trees can be controversial; it is not usual for someone to ask to fell an oak tree, and it wasn't clear at the initial stage that the officer would agree. Would like to add four points to the issue of loss of amenity: the report states that the pruning needed to improve the situation would detract from the tree's visual amenity – it would end up shaped like a lollipop, and have no amenity for the rest of the neighbourhood; there is the risk of the tree roots undermining the property – it is not mature and therefore still growing bigger; an application to fell the tree was refused 15 years ago – if it had been permitted, we would now have two mature trees in its place; and finally, the question of what will happen if nothing happens – we will be back here in 5-7 years, considering the same situation. Unfortunately, sooner or later this tree will have to come down – it will be a choice between the tree and the house, and no-one wants that. Hopes therefore that the Committee will look favourably on this application, and grant permission to remove the tree.

Member Debate:

PT: this is a stunning tree, a real beauty, and a perfect specimen. Is always in the forefront of those who wish to preserve trees but here, reluctantly agrees with the officer recommendation. It is a sad, sad thing, and hopes that at least the logs will be salvaged and made into something beautiful, not dumped in landfill. It will cost a lot to take it down, but the poor tree has to go. It is in the wrong place – the builder shouldn't have built so close to it. Despite her usual feelings, strongly believes this tree will have to come down.

PB: wasn't going to speak this evening - is usually a passionate defender of trees, and this is a particularly nice one. Has listened to the owner's sincere and honest appraisal of the situation, and as a parent, understands what he is saying – the tree prevents the garden from being used by the family, and dominates the house and garden. Apart from anything else, oak trees are fantastic habitats for various wildlife, but sadly believes the right decision in this case is to take the tree down.

CH: will be quick – this application should clearly be approved, which begs the question as to why it is at Committee. However, now that it is here, will take the opportunity to make a wider point: when housing developments go up, there are sometimes existing trees on the site, and the builder needs to consider what the trees will grow into. This is an omission; the house isn't that old. When applications are submitted, the developer should be advised where trees that are quite small will grow and soon become much bigger trees which can have a material affect on amenity. We must take note of what has happened here. As a carpenter, hopes that the wood isn't burned – it would be nice to work with.

GB: acorns grow into oak trees; people don't always recognise this fact.

BF: agrees with the previous speaker, but isn't sure that we should insist that a new tree is planted in this one's place. There is a yew tree in the garden, which is more than enough for a garden this size. The applicant will struggle to grow anything else there. Hopes that the applicant, having had his family's life dominated by the tree for so many years, will have a piece of garden furniture made from the wood, to remember it by!

MC: this is an unfortunate situation. Loves trees, and this one is particularly gorgeous. But has sympathy with the applicant – gardens are to be enjoyed, particularly by children. Will therefore agree with the officer's recommendation, but before the tree is removed, will go and give it a big hug!

GB: this is a beautiful tree, and no-one likes to lose a tree like this. It will mean a loss of habitat to various wildlife, but at least there are other trees in the area. Agrees with BF that appropriate replanting should be up to the applicant – we shouldn't insist on another tree, as it won't replace the amenity value of the existing tree. Would resist the condition for a replacement tree.

AHoldstock, in response:

- the application is at Committee because of the amenity issue rather than any health and safety risk. If there was any health and safety risk, the decision would be clear-but; the regarding the amenity issue, officers have changed their minds several times, and felt that an airing at Committee, opening the decision to a wider opinion, was the right thing to do;
- regarding any replanting, it would have to be a species appropriate to the location – a small-to-medium tree such as a hawthorn, which would grow taller than the fence but not dominate the garden.

PT: doesn't believe we should insist on a replacement. There are other trees in the area, and the garden is small. Another tree would restrict the family's use of the garden. They should be allowed to grow grass and enjoy what they've got.

AL: supports the officer recommendation, and would like to propose the lifting of the condition to replace. The plot faces east, so it will get the morning sun; a new tree will place the garden in shadow.

AH: would also like to support the lifting of the condition. As a liberal, supports the resident's right to live free from trees should they wish. We should give them the opportunity to enjoy the sunshine.

Vote on AL's move to lift the condition requiring a replacement tree to be planted

13 in support

0 in objection

1 abstention

CONDITION IS REMOVED

Vote on officer recommendation to permit

13 in support

0 in objection

1 abstention

PERMIT

The meeting ended at 6.50pm.