

Democratic Services



**TO EACH MEMBER OF THE
PLANNING COMMITTEE**

14 December 2020

Dear Councillor

PLANNING COMMITTEE- TUESDAY 15 DECEMBER 2020

Further to the Agenda and papers for the above meeting, previously circulated, please find attached the Additional Representations Sheet.

Should you have any queries regarding the above please contact Democratic Services on
Tel: 01684 272021

Yours sincerely

Head of Democratic Services



Agenda 5A Planning Committee

ADDITIONAL REPRESENTATIONS SHEET

Date: 15th December 2020

The following is a list of the additional representations received since the Planning Committee Agenda was published and includes background papers received up to and including the Monday before the meeting. A general indication of the content is given but it may be necessary to elaborate at the meeting.

Item No	
5b	<p>TPO 404</p> <p>25 Paynes Pitch, Churchdown</p> <p>Late representation has been submitted by the objector. An addendum to the previously submitted TPO objection which I have responded to each point made as below:</p> <p>1.Many of the representations in support of the TPO that are listed in the Officer Report are not specifically relevant to the key issue being put before the Committee. This is whether or not all the trees in question are good enough in terms of quality and remaining life expectancy to merit protection in the interests of public visual amenity - as a 'group'.</p> <p>Officer response – The majority of the representations received mention the visual amenity the trees have on the area. The council have received nearly 50 representations in support of the TPO which would indicate that the trees have a public amenity value. The trees do not have to be of the highest quality and have scored fair within the Tree Evaluation Method. Their health is satisfactory and there is no reason why they cannot be retained. Being defined as 'fair' does not preclude a Tree Preservation Order being made on a tree(s).</p> <p>2. The Officer Report only responds to some aspects of the Objection Report (attached for further information). It does not fully explain the other aspects of the objection to the Committee. For example, the alternative option of confirming the TPO in a modified form to omit poor quality and unsustainable trees is simply not acknowledged as a possibility.</p> <p>Officer response – A response of the key objection reasons was summarised in the Officers report to committee under Section 3.0 Analysis.</p> <p>The key reasons that were stated in 6.2 Conclusion of the Objectors report (extract copied below) were:</p> <p>6.2.1 In my opinion it is not expedient in the interests of public visual amenity for the TPO to have been served. This is for the following key reasons:</p> <ul style="list-style-type: none"> • The larger, more prominent trees are generally of impaired structural form and appearance • The larger trees can only be retained in the longer term by means of repeated and disproportionately expensive management. • One larger ash tree will progressively decline due to effects of ash dieback disease. • All the trees are located outside 25 Paynes Patch and are therefore not under threat. As such, the TPO is not expedient. <p>With regards to the latter in point 2, to confirm the order with modification will result in removing some of the trees from the Order. If the trees are removed the visual amenity value of this group as a whole will be impacted.</p>

	<p>3. The Officer Report states that the trees have “high visual amenity”. However, it then contradicts itself somewhat by stating that a TEMPO (Tree Evaluation Method for Preservation Orders) assessment only indicates that the TPO might only be ‘defensible’. This clearly indicates that the trees only have ‘low/moderate’ visual amenity value at best.</p> <p>Officer response: Tree Evaluation Method for Preservation Orders (TEMPO) is a recognised method for evaluating trees for a TPO. The assessment resulted in a decision that the TPO was defensible this does not mean that the trees are of low visual amenity value. Particularly as the group of trees consists of large, medium and small trees clearly visible to the public. Therefore, it was expedient to make the TPO.</p> <p>4. Overall, it is not a reasonably proportionate response to protect the trees as a ‘group’ TPO. This is because many of the trees are low quality with short useful life expectancies. On this basis, Members may wish to consider whether any future TPO application to fell individual trees within the group could be reasonably refused by the Council? Could any such decision be robustly and credibly defended as an appeal to the Planning Inspectorate?</p> <p>Officer response: Future applications to fell trees subject to this TPO will be considered on their own merits and reasoning and this has no relevance to the confirming of the TPO.</p> <p>Recommendations to the Committee</p> <p>5. It is respectfully requested that the TPO is not confirmed for the reasons given in the original Objection Report. OR</p> <p>6. If Members are minded to confirm the TPO, please can they ensure that only suitable individual trees are protected? Such trees would have good individual public visual amenity value and a realistic useful life expectancy of at least 20 years (this equates to ‘moderate quality’ in terms of British Standards) are protected? This would mean that the TPO would still be confirmed but subject to modifications.</p> <p>Officer response: To confirm the order with modification will result in removing some of the trees from the Order. If the trees are removed the visual amenity value of this group as a whole will be impacted</p> <p>One further letter of support for the TPO has also been received. The letter mentions that the trees are a natural division and provides a natural wildlife area for birds and hedgehogs and for these environmental reasons the trees should not be removed</p>
5f	<p>20/00598/FUL</p> <p>Land Adjacent Springbank, Old Road, Southam, Cheltenham, Gloucestershire, GL52 3NN</p> <p>Officer Update</p> <p>Access and Highway Safety</p> <p>Since writing the committee report County Highways have reviewed the revised site layout plan, drawing no.101 Rev B, which demonstrates the proposed visibility splays. They have raised no objections to the proposal subject to recommended conditions.</p> <p>In terms of the visibility, to ensure suitable visibility between exiting vehicles from the widened site access, the existing boundary hedge which runs to the north of the site access to the northern boundary with the adjoining property, The Dipping Well, needs to be removed and replanted behind the site boundary, as defined by the red line on the submitted location plan. These works can be secured via condition.</p>

Revised Recommendation

Following receipt of the comments from County Highways as no highway objection has been raised the recommendation for the application is now **PERMIT**.

Ecology

Further to the information set out in paragraphs 7.39 to 7.41 of the committee report (found on page 100 of the agenda), following further discussion with an officer from NatureSpace, whilst noting the application site is located in a 'Red Zone' for Great Crested Newts (GCN) as identified by the NatureSpace Impact Risk Maps, given the site consists of an existing garden, is entirely surrounded by existing houses, gardens and roads and the nearest suitable ponds are more than 250 metres away, officers consider the risk of GCN's being present on the site is low and therefore no further information is required from the applicant in this case. In light of this, the second informative note recommended on page 103 of the agenda, has been revised to reflect this change:

Under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; or deliberately obstruct access to a resting or sheltering place without a licence. Planning consent for a development does not provide a defence against prosecution under these acts. Tewkesbury Borough Council operates a District Licence (DL) scheme for great crested newts (GCN). The DL remains an option should you wish to insure against the risk of finding GCN on site. The application site is located in a 'Red Zone' for GCN as identified by the NatureSpace Impact Risk Maps. Red zones are characterised as highly suitable habitat - the most important areas for GCN. In this case the risk of encountering GCN on site is considered to be low because of the existing habitats and surrounding development. However, if a GCN is found on site, works would have to stop whilst a licence is sought (either by opting into the Council's District Licence or by seeking a standard site-based licence).

Condition Update

Additional conditions

County Highways have recommended the following conditions and informative note:

1. Notwithstanding the visibility splay details as shown on drawing no. 101 Rev B the development shall not begin until the boundary hedge north of the site access has been removed and replanted behind the site boundary, as defined by the red line on the location plan, between the site access and northern site boundary. Nothing shall thereafter be planted, erected and/or allowed to grow/stand 0.6m above the adjacent carriageway level on land 2.4m inside the site access centreline from the nearside carriageway edge north to the nearside carriageway edge adjacent to the northern boundary of the site.

Reason: In the interests of providing and maintaining visibility for highway safety.

2. The dwelling hereby permitted shall not be first occupied until the electric vehicle charging point, cycle parking, car parking and turning space have been provided as shown on drawing no. 101 Rev B. The cycle parking, car parking and turning space shall be maintained for those purposes for the duration of the development thereafter. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and shall be retained for the lifetime of the development unless it needs to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.

Reason: To ensure the provision and availability of adequate cycle and car parking and suitable electric vehicle charging.

3. Prior to the occupation of the dwelling hereby permitted, the widened vehicular access shall include drainage measures to prevent surface water run-off onto the highway.

Reason: In the interest of highway safety and minimising damage or disruption to the highway and road users.

Informative Note

The Local Highway Authority has no objection to the development subject to the applicant obtaining a section 184 licence. The construction of a altered access appears to require the extension of a verge crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant would therefore be required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

The above conditions and informative note are recommended in addition to the conditions/notes detailed on pages 101-103 of the agenda.