

Item No 02:-

16/05011/FUL (CD.2729/T)

**Salmonsbury House
Station Road
Bourton-On-The-Water
Cheltenham
Gloucestershire
GL54 2BQ**

Item No 02:-

Realignment of supermarket service yard exit lane to Station Road approved under permission 14/00654/FUL and alterations to adjacent boundary treatment to George Moore Community Centre at Salmonsbury House Station Road Bourton-On-The-Water Gloucestershire GL54 2BQ

Full Application 16/05011/FUL (CD.2729/T)	
Applicant:	Midcounties Co-Operative Ltd
Agent:	Gould Singleton Architects
Case Officer:	Martin Perks
Ward Member(s):	Councillor Len Wilkins
Committee Date:	8th March 2017
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Impact on Protected Trees
- (b) Impact on Highway Safety

Reasons for Referral:

This application has been referred to Planning and Licensing Committee at the request of Cllr Wilkins on the grounds that 'in view of the considerable advantages of this application in the areas of flooding, confusion over the state of the trees, electric cabling and most importantly road safety I would like this application to go to committee'.

1. Site Description:

This application relates to a parcel of land measuring approximately 330 sq metres in size located adjacent to the southern side of Station Road. The aforementioned road is designated as a Class C highway and is subject to a 30mph speed limit where it passes the application site.

The application site extends for approximately 45m along the side of Station Road. The south eastern part of the site occupies land forming part of the former Salmonsbury House care home which is currently being developed to provide a new foodstore. The foodstore is currently under construction. The north western part of the site occupies a section of land forming part of the George Moore Community Centre.

The site is occupied by two beech trees which are the subject of individual Tree Preservation Orders (TPOs). The beech trees lie immediately adjacent to the Station Road carriageway.

The George Moore Community Centre is designated as Grade II Listed Building (under the name Moore Cottage Hospital).

The application site is located within the Cotswolds Area of Outstanding Natural Beauty and outside Bourton-on-the-Water Conservation Area.

2. Relevant Planning History:

Application Site

CD.2729 Erection of Old People's Home (Outline) Granted September 1960

CD.2729/D Erection of 38 bed elderly person's care home Granted March 1970

13/00383/LBC Demolition of Erskine Ward Granted March 2013

14/00654/FUL Demolition of residential care home and construction of a new food store with car park and new access. Granted 2014

Adjacent Site - Former Moore Cottage Hospital

14/00061/FUL Change of use from hospital (C2) to community facility (D1) and two flats (C3) Granted February 2014

3. Planning Policies:

NPPF National Planning Policy Framework
LPR10 Trees, Woodlands and Hedgerows
LPR38 Accessibility to & within New Develop
LPR42 Cotswold Design Code

4. Observations of Consultees:

Tree Officer: Object -

'The beech trees (referred to as one tree in the application) are a prominent feature in views along Station Road. There are few other mature trees in this location and their removal would harm the character and appearance of the landscape. Replacement with a Fastigate beech tree, set back further from the highway, is proposed.

The beech trees are mature and appear to be in reasonable health. The trees are considered to be two individual trees growing close together. There is no evidence of disease or decay in the trunks and roots and the crowns appear reasonably balanced and with typical branch unions for the species. The crown of the northernmost tree shows slower growth and more sparse budding than that of the southern tree but both show consistent shoot extension growth in the last 10 years. There is no evidence of dieback in the upper crowns that would be expected if the trees were in decline and had significantly reduced life expectancies. The trees are considered to be B2 grade (BS5837) and their retention is desirable'.

&

'Plant root ingress into underground pipes is usually a result of the pipe failing. Roots of any vegetation, including shrubs and herbaceous species can enter and block damaged drains. The submitted photos and report show collapsed pipes and root ingress through a failed joint. The appropriate action is to maintain pipes and soakaways in good condition rather than to remove trees and other vegetation. Unless the pipes and soakaways are repaired, new plants and trees will cause the same blockages. It is usually possible to repair or install underground pipes near to trees as long as the works are carried out in accordance with section 7.7 of BS 5837 or NJUG (NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees) volume 4.

The submitted information does not show that the trees have caused the damage to the pipes or that their removal is necessary to resolve the drainage issues with the highway and the advice on the proposed development and removal of the beech trees remains as previous.'

Gloucestershire County Council Highways: No objection

5. View of Town/Parish Council: Support the application

6. Other Representations:

1 letter of objection received.

i) 'Concerns about the exit for lorries from this site were raised when planning application was first made. The exit could have been altered at this stage without affecting the beech trees. The TPO states that there are two trees and I have spent some time exploring the base of both these trees without finding a common trunk as stated in the accompanying survey. One of the criteria for a TPO is that the tree must have a reasonable life span so it must follow that these trees are healthy. They have had their canopies raised to accommodate traffic so they may not be as full as expected. The loss of these trees would have a large impact on the street scene. The offer to replace with a Fastigated Beech is in that scenario rather mean. They should at least be replaced by two trees.'

7. Applicant's Supporting Information:

Design and Access Statement
Assessment of the Condition of a Beech Tree report
Safety Audit Report

Background and Proposed Development

Planning permission was granted in 2014 for the erection of a new foodstore on the Salmonsbury House site (14/00654/FUL). The approved scheme involved the creation of two accesses onto Station Road. One entrance was to be located towards the south eastern edge of the site's boundary with Station Road. The entrance was to be used as an entrance and exit point for customer vehicles and an entrance point for delivery vehicles. A second access point was to be located in the northern corner of the site and was to be used solely by delivery vehicles exiting the site. The delivery vehicle exit point would result in larger delivery vehicles (14.4m long vehicles) marginally crossing the centre line of Station Road when leaving the foodstore site. Gloucestershire County Council Highways were satisfied that the proposed access arrangements were acceptable in highway safety terms. The Highway Officer's response to the original application stated 'The Safety Auditor was asked specifically to comment on a delivery vehicle crossing the centreline of the road to exit the site and stated 'I do not have any particular safety concerns. As a general comment, it is not unusual for delivery vehicles to use both lanes of a two-way urban street and the drivers are used to making the manoeuvres'.'

The applicant is now seeking to alter the alignment of the delivery exit point agreed in 2014. The proposed re-alignment involves the extension of the junction splay by approximately 25m to the north west. The proposed change would enable delivery vehicles to exit the site without having to cross the centre line of the carriageway. However, the proposed amendment would also require the removal of two beech trees which are protected by individual Tree Preservation Orders.

In addition to the alteration of the approved exit point the proposed scheme also seeks to replace an existing timber boundary fence serving the George Moore Community Centre with two new sections of drystone walling measuring 900mm in height. The proposed walling would have a combined length of approximately 22m and would lie either side of an existing access serving the George Moore Community Centre.

(a) Impact on Protected Trees

The proposed development will require the removal of two protected beech trees. Policy 10: Trees, Woodlands and Hedgerows is therefore applicable to the determination of this application. Criterion 1 of Policy 10 states that 'development that would destroy or adversely affect a tree of woodland protected by a Tree Preservation Order, or is within a conservation area, will not be permitted unless the removal of the tree(s);

- a) would be of benefit to the character and appearance of the area; or
- b) is in the interests of good forestry or arboricultural practice.

Criterion 2 of Local Plan Policy 45: Landscaping in New Development also states that any attractive, existing landscape features such as trees should be retained and integrated into all landscaping schemes.

The applicant has submitted a report with the application which has assessed the condition of the trees. The report refers to one tree and states that the crown is in poor condition and that it is at the end of its 'safe, useful life'. It considers that the deteriorating condition could result in the loss of branches/limbs which could have consequences for users of the adjacent road. The Council's Tree Officer has assessed the report and trees and confirms that there are two trees on site which are close together. The Tree Officer advises that 'there is no evidence of disease or decay in the trunks and roots and that the crown appears reasonably balanced and with typical branch unions.' The Tree Officer also states that both trees show consistent shoot extension growth and that 'there is no evidence of die back in the upper crowns that would be expected if the trees were in decline.' The trees are considered to be of a B2 grade and their retention is considered desirable. It is therefore considered that there are no reasonable grounds to support the removal of the trees on grounds of poor health or decay.

The TPO designation dates from July 2014 and as such it is relatively recent. The trees were designated as they were considered to make a positive contribution to the character and appearance of the area. This contribution is still considered to exist at the present time. The trees are a prominent feature within the streetscene and are very visible from Station Road. There are also very few other trees of a similar size along this particular stretch of the aforementioned road. It is considered that the removal of the trees would have an adverse impact on the character and appearance of the area and as such would conflict with Local Plan Policy 10. It is noted that the boundary to the George Moore Community Centre would be enhanced as a result of the erection of the new drystone walling. However, a large amount of the proposed boundary walling could be erected without the need to remove the existing trees. It is not therefore necessary to remove the trees to secure an enhancement of the boundary of the community centre.

The applicant is also suggesting the planting of a fastigiata beech tree as a replacement for the existing trees. However, such trees have a very formal upright character and as such would have a very different in character to the existing trees. Overall, it is considered that benefits arising from the proposed landscaping are limited when balanced against the loss of the protected trees.

It is also considered that the two trees do not need to be removed to facilitate the creation of a safe delivery exit as Gloucestershire County Council Highways has previously confirmed that the exit approved in 2014 is acceptable in highway safety terms. As a consequence there is no overriding highway safety reason that justifies the removal of the trees.

Overall, it is considered that the proposal conflicts with Local Plan Policies 10 and 45.

(b) Impact on Highway Safety

The proposed re-alignment has been assessed by Gloucestershire County Council Highway Officers. The applicant has provided vehicle tracking details to demonstrate that a 14.4m long delivery vehicle would not cross the centre line of the Station Road carriageway when leaving the foodstore site. Highway Officers are satisfied that the proposed amendments are acceptable in terms of highway safety. The proposal is considered to accord with Local Plan Policy 38 and guidance in Section 4 of the NPPF.

The applicant has also advised that the roots of the two trees are adversely affecting highway drainage gully chambers which extend along Station Road. This has resulted in localised flooding. The applicant states that the removal of the trees will allow them to install a new drainage system to the satisfaction of Gloucestershire County Council. In response the Council's Tree Officer

considers that works can be undertaken to the roots of the trees that would address the damage to the drainage system whilst at the same time allowing the trees to be retained. It is therefore considered that the drainage issue could be resolved without the need to remove the protected trees.

Other Matters

The proposed re-alignment of the exit lane and the erection of new boundary walling are considered not to have an adverse impact on the setting of the adjacent Grade II Listed Building. The proposed drystone walling will replace a modern timber fence and is considered to represent an enhancement of the site boundary thereby enhancing the setting of the Listed Building. However, this benefit has to be weighed against the loss of the trees which also currently make a positive contribution to the setting of the designated heritage asset. On balance it is considered that the overall impact on the setting of the Listed Building will be neutral and as such the scheme will preserve the setting and special interest of the Grade II Listed Building having regard to S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusions

Overall, it is considered that the proposed development would result in the loss of two protected beech trees to the detriment of the character and appearance of the area. The benefits of the scheme are considered not to outweigh the harm to local area arising from the loss of the trees and as such the proposal is considered to conflict with Local Plan Policies 10 and 45. The application is therefore recommended for refusal.

10. Reason for Refusal:

The removal of the two beech trees protected by Tree Preservation Orders would cause significant harm to the character and appearance of the local area. The trees are in reasonable health and condition and their removal cannot be justified for arboricultural reasons. It has previously been demonstrated that a safe means of access can be achieved to serve the new foodstore without the need to remove the protected trees. In addition, the trees could not be suitably replaced in the proposed development within a reasonable timescale. The removal of the trees is contrary to Cotswold District Local Plan Policies 10 and 45.

Informatives:

This decision relates to drawing numbers 12-1357/B3, 12-1357/030A, 12-1357/31, DRG No1 D, P959/122 A



Salmonsbury House Station Road Bourton on the Water Glos Scale: 1:1250

Organisation: Cotswold District Council

Department:

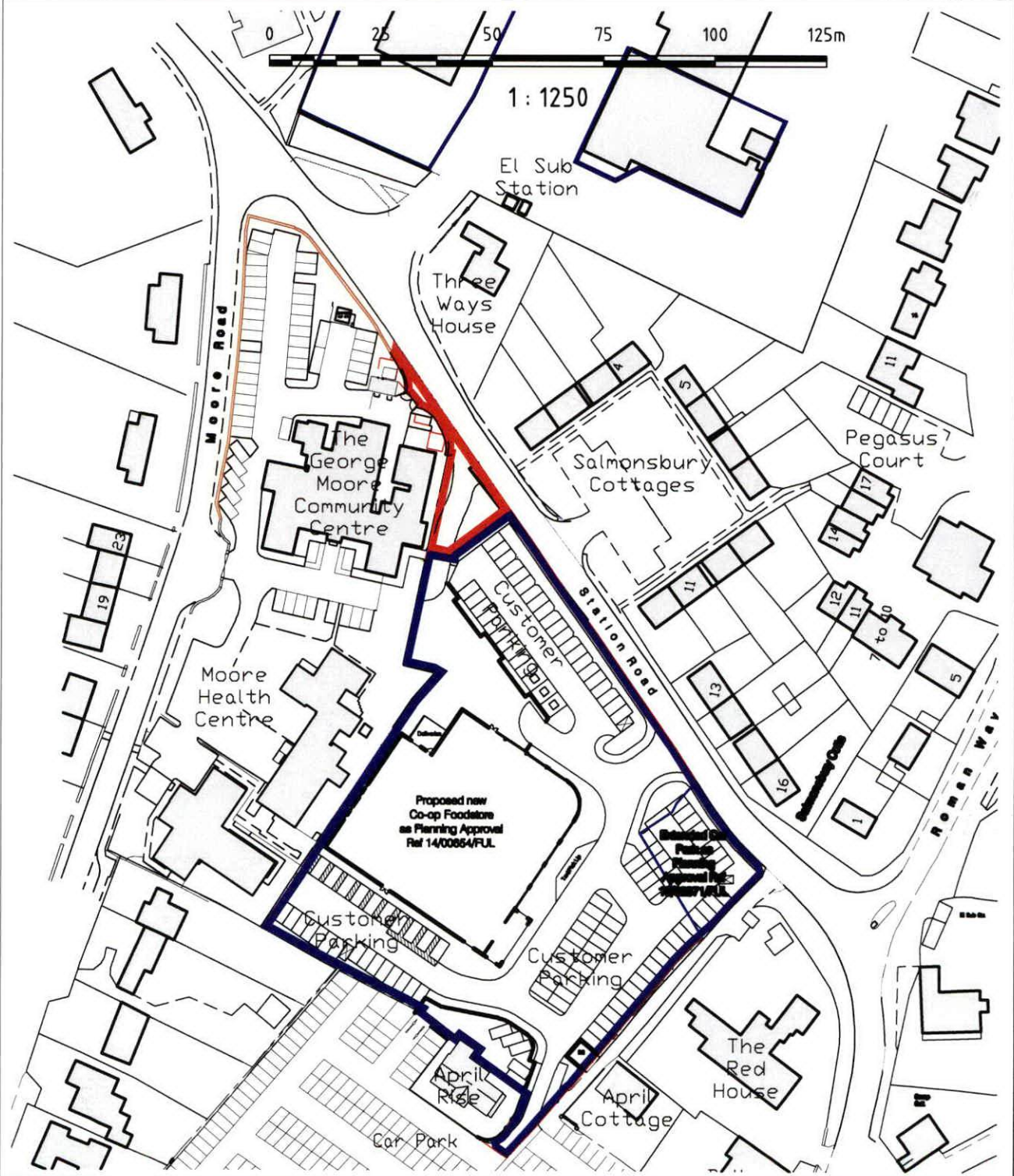
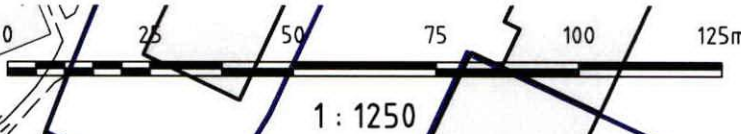
Date: 24/02/2017



COTSWOLD
DISTRICT COUNCIL



Project: Midcounties Co-Operative, Station Road, Bourton-On-The-Water



Scale:
1:1250@A4

Drawing Number:
12-1357/Location Plan 3

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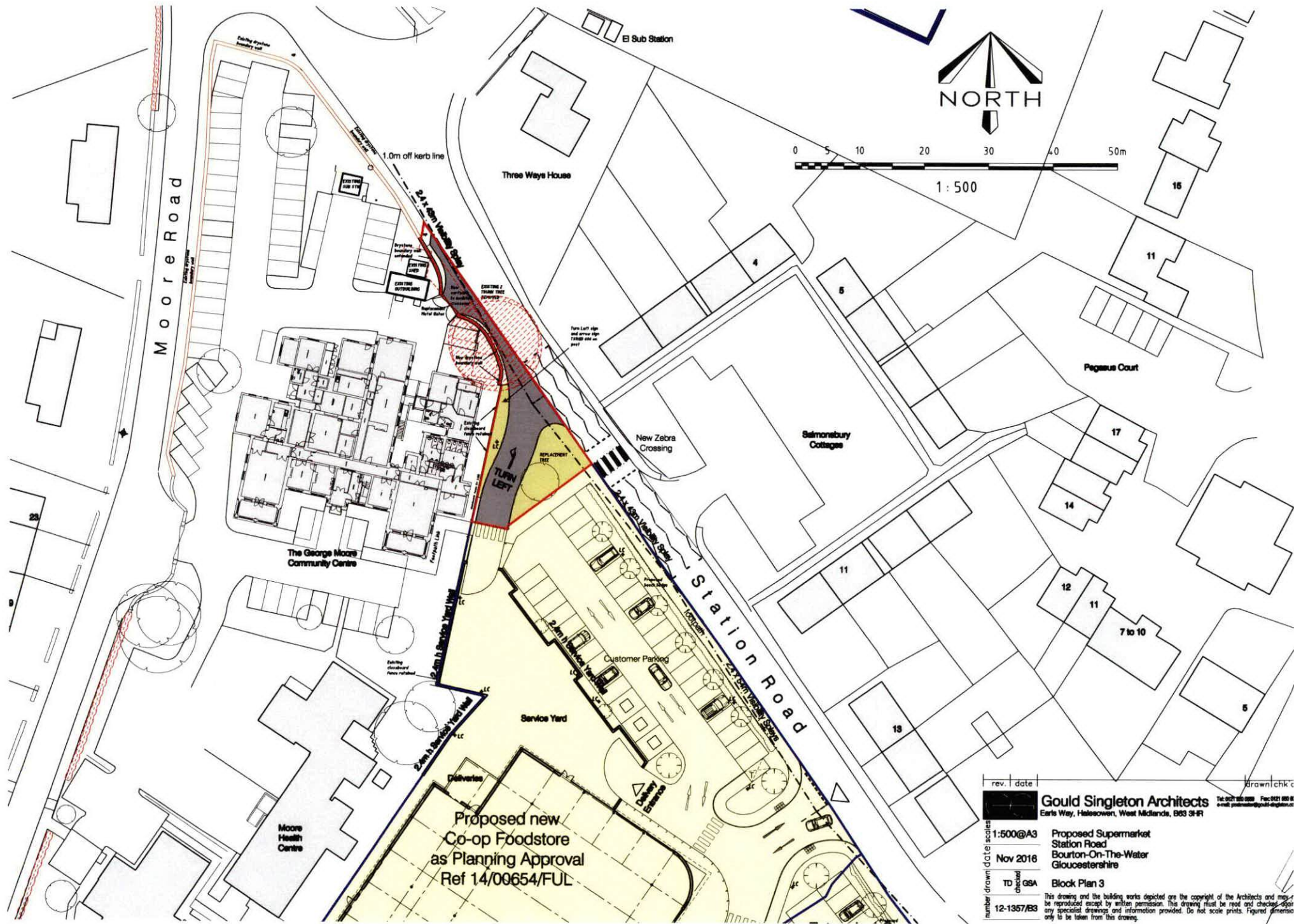
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Proposed new
Co-op Foodstore
as Planning Approval
Ref 14/00654/FUL

rev.	date	drawn/chk/c
Gould Singleton Architects Earls Way, Halesowen, West Midlands, B63 9FR Tel: 0121 850 0888 Fax: 0121 850 818 email: enquiries@gouldsingleton.co.uk		
number drawn	1:500@A3	Proposed Supermarket Station Road Bourton-On-The-Water Gloucestershire
date	Nov 2016	Block Plan 3
checked	TD GSA	
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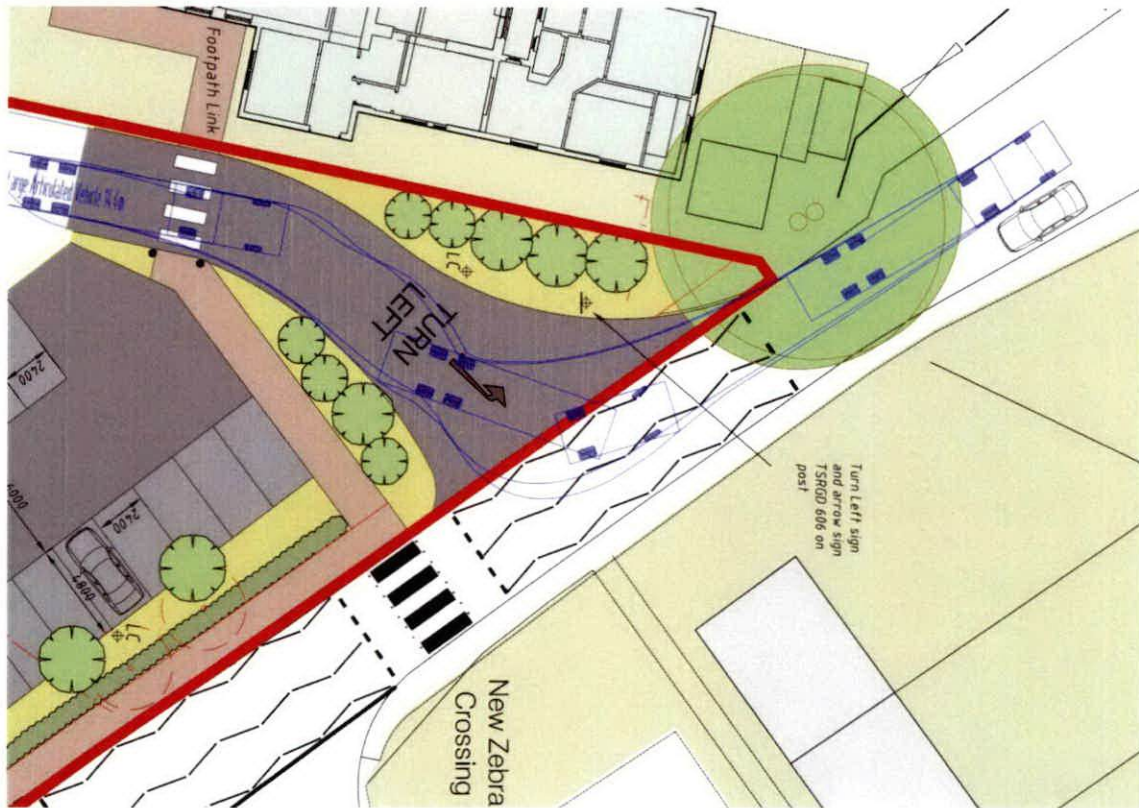
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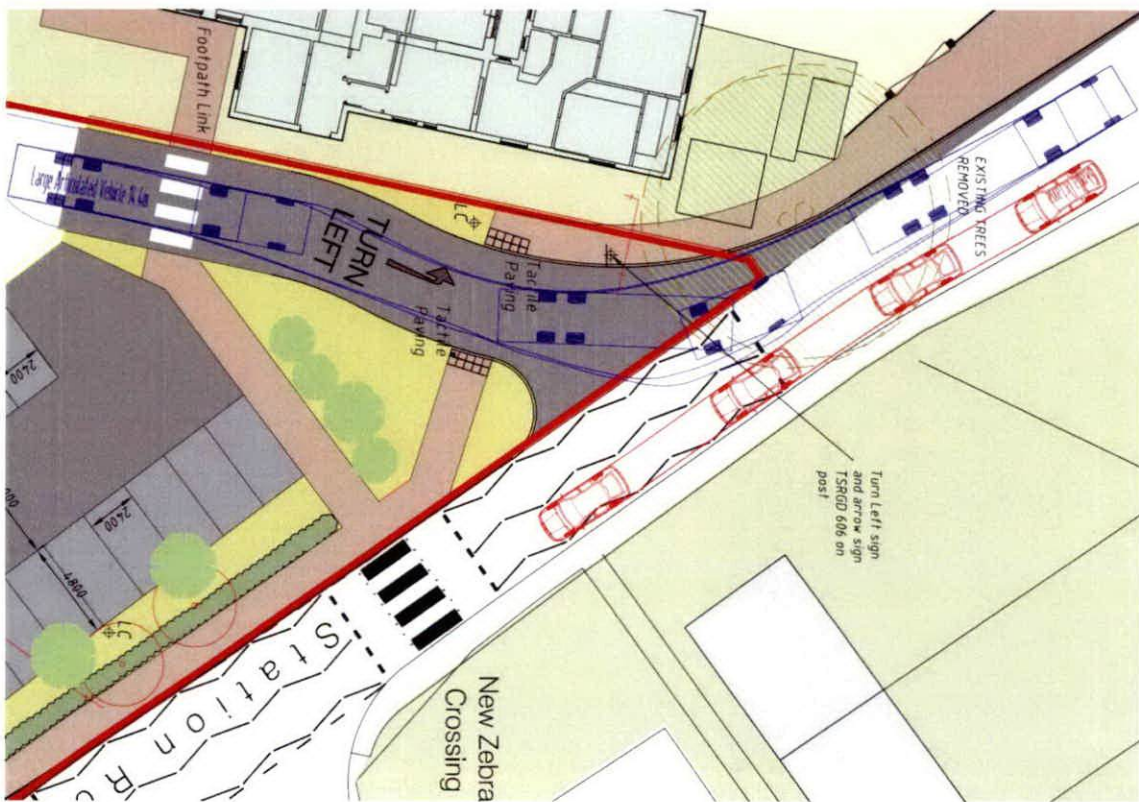
Additional Background material to support Planning application for tree removal.

Station Road, Bourton on the Water

Approved exist route 14/00654/FUL



Suggested Improvements – Application - 16/05011/FUL



* NB – No footpath where tree being removed is proposed as No footpath present further along Station road. This plan simply shows Vehicles remaining on single half of carriageway. See Plan below for actual plan

Road Gullies affected by Root Damage – January 2017



Area of Flooding due to damaged/affected Soakaways & Highway Gullies.



Gould Singleton Architects

INNOVATION · DESIGN · EXPERIENCE

21

Reference:

Z:\gsac\12\12-1357\letters\sd300117.bh2

Date:

30th January 2017

Email: martin.perks@cotswold.gov.uk

Mr Martin Perks

Dear Martin

Detailed Planning Application Co-op Bourton on the Water 16/05011/FUL

Further to our recent telephone conversation we understand that your likely recommendation for this Application is one of refusal based upon comments received from your Tree Officer Mark Berry.

I think it's important to write to you to give further background information as to why we seek consent for removal of this twin stem Beech tree.

As you will be aware the original Planning Application referenced 14/00654/FUL submitted in early 2014 was subsequently approved on the 10th July 2014 and the Beech tree in question was subsequently protected by a Tree Preservation Order dated the 11th July 2014 and the Beech tree referenced T1 and T2 were therefore protected.

Directors:

Stephen Bullock
BA Hons Dip Arch RIBA

Stephen Cox
MCIAT

Peter Icke
BA Hons Dip Arch Dip UD RIBA

Associates:

John Edwards
BA Hons Dip Arch RIBA

Daniel Burden
MCIAT

ISO9001:2008
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During the planning process some concerns were raised in connection with visibility splays from the egress for service vehicles from the site; however our transportation consultant demonstrated that the 2.4m x 43m visibility splay was not affected by the double stem Beech tree, this was illustrated on Banners Gate drawing P959/101 dated April 2014 a copy of which is attached.

Whilst the scheme was progressing through the planning stages through to its subsequent approval in early July, it was established that the pedestrian crossing from the site to the north side of Station Road would require a formal 278 Agreement with the County Council Highways Department. This was subsequently conditioned in the approval underneath Planning Condition No. 23 and for almost two years we have been progressing with the detailed 278 design in negotiating with the County Council Highways Department to secure a 278 Agreement to implement all works within County Highway Control.

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In May 2014 it was identified by external Highways Safety Auditors that despite road signage both on the Tarmac surface and signposts that vehicles must turn left, the approved exit route left an opportunity for vehicles to potentially turn right in Station Road when exiting the site which was close to the proposed new zebra crossing and that the vehicles leaving site would possibly cross the central carriageway line and that alternatives should be considered to improving this solution.

It is important to state at this time that Midcounties Co-operative Society operate a strict stance in trying to retain as much existing features and trees as possible on any new sites, and even at the stage when the Application was submitted when this tree did not have any protection measure it was still considered that this tree had no effect on the proposals; however in light of the safety audits being commissioned underneath the Section 278 Agreement Midcounties Co-operative felt that they could not ignore the safety comments being identified.

As you are aware the tree is outside the control of the applicant and since 2014 in light of the safety audit requirement and a desire to improve as much as possible the safety around Station Road discussions started with the Parish Council and in light of the evidence, the Parish Council fully support the proposals and the current scheme.

The proposals now being submitted seek to improve vehicle movement leaving the site and with a greatly improved smoother sweep away from the site, this goes to ensure that vehicles do not cross the central carriageway line improving safety for oncoming traffic.

A further enhancement as part of these proposals will again address the initial safety audit done in May 2014 by ensuring the vehicles naturally leave site and head to the north along Station Road with the realigned design it is impossible for articulated vehicles to attempt to turn right to head south-east along Station Road. The distance between the exit and the zebra crossing is also increased and it's felt that these minor modifications to the design which take on board the recommendations of the Highways Safety Report, will have significant improvements to highway safety for both vehicles using Station Road and also pedestrian movement around the zebra crossing.

It is also important to note that in the Non-Motorised User Audit Report on the approved scheme, it has been identified that the pedestrian footpath on the opposite side of the site opposite the Beech tree is extremely narrow, and as you are aware this is the tightest point in Station Road and it is felt that the increase



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width to the carriageway at this particular location also helps the road width at this point.

To date all of the designs that have been submitted to the County Council have been developed on this much improved safer exit strategy. I enclose for your attention a copy of the Stage 2 Road Safety Audit completed in October 2016 which states in item 7.1 on page 4, that the original scheme ought to be considered for improvements as the swept path of the original scheme could present potential problems. With this information to hand, this has given good reasons as to why we are pursuing these improvements on safety grounds.

Aside from the highway safety issues that we feel we are acting responsibly on, we have also identified during detailed consideration of the proposals problems with the County Highway storm water drainage system.

You may be aware that there is no mains highway drainage system in Station Road and that gully chambers draining to soakaways which are within the first two metres of the edge of the carriageway. In October/November 2016 we instructed the contractors on site to carry out in-depth investigations and reports to all of the failing gully chambers within the main carriageway which fall underneath the responsibility of the County Council Highways Team. All of these gully chambers are failing and do not drain away and you will be aware of localised flooding within Station Road which in themselves prevent highway safety issues. Photos are attached showing localised flooding

Full CCTV surveys have been undertaken of each of the gully chamber and around the root structure of the double stem Beech tree it has been identified that the drain pipes and soakaways at the back of the carriageway have failed due to the invasion of tree roots, some up to 3" thick. As part of our proposals moving forward we have suggested to the County Council that to expedite matters in improvements to highway drainage, that we replace the soakaways and gully's along these lines. This will ultimately see a removal of the localised flooding in these areas which will again be a significant improvement to highway drainage.

The agreement with the Parish Council is that the area directly in front of the access gate which is to be resurfaced as part of our proposals, will again have new soakaways formed dealing with the localised flooding shown on the enclosed photograph where gully chambers and soakaways are affected. If we revert back to the approved scheme the gully chambers are an issue both for the adjacent owner and also the County Council. Clearly the area which is flooding directly adjacent to the Beech tree and the root growth, problems will be encountered in how flooding may be resolved in this area should the tree remain.

Should the scheme be approved this would see a significant improvement to carriageway drainage and flooding problems that have been present for many years.



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You will be aware that we have commissioned a second survey of the Beech tree and a further report has been submitted to support our Planning Application produced by Marlow Consulting Limited. Our Tree Consultant has indicated that there is little long term benefit in keeping the tree which sits inches away from the road edge and for the above reasons in terms of highway safety, improvements for pedestrian movement around a narrow part of the carriageway and for improvements on drainage we believe that the Planning Committee ought to consider this Application carefully as this is an opportunity to make significant improvements to the issues in this local area. This is not a cheap option that we are pursuing here but one which we and the Parish council strongly believe is essential.

I do hope that you are able to reconsider your views on this submission, if you are minded to refuse this Application without taking to Committee or even if the Application is referred to Committee and then subsequently refused, we will of course have no alternative other than to revisit and re-draft our 278 drawings for the original approved works and re-submit to County Highways leaving all of the carriageway flooding issues past our development for other third parties to attend to.

I must also remind you that we have offered to replant trees with an agreed specification to your tree officers requirements as compensation, further away from the carriageway which in time will again enhance the visual appearance of the area.

Should you have any further queries, please do not hesitate to contact us.

Yours sincerely,


Stephen D Cox
GOULD SINGLETON ARCHITECTS

Enc: As stated



Above: View south east along Station Road

Below: View north west along Station Road



Highways Development Management

Shire Hall
 Gloucester
 GL1 2TH

Martin Perks
 Cotswold District Council
 Trinity Road
 Cirencester
 Gloucestershire
 GL7 1PX

email: mark.sweet@gloucestershire.gov.uk

Please ask for: Mark Sweet

Our Ref: C/2016/037500

Your Ref: 16/05011/FUL

Date: 03 February 2017

Dear Martin Perks,

TOWN AND COUNTRY PLANNING ACT 1990 HIGHWAY RECOMMENDATION

**LOCATION: Salmonsbury House Station Road Bourton-On-The-Water
 Cheltenham Gloucestershire GL54 2BQ**

**PROPOSED: Realignment of supermarket service yard exit lane to Station
 Road approved under permission 14/00654/FUL and alterations to adjacent
 boundary treatment to George Moore Community Centre**

I refer to the documents received in my response including Design and Access Statement, Landscaping Proposals, Location Plan, Proposals Plan 3 12-1357/31, Proposed Site plan including Station Road Works 12-1357/030A and Block Plan 3 12-1357/B3

The proposal seeks realignment of supermarket service yard exit lane to Station Road approved under the extant consent and boundary treatment alterations. This revised layout has been submitted to address a previous Road Safety Audit risk raised of exiting large service vehicles crossing the centre line into the opposing carriageway on Station Road.

The revised layout on drawing P959-122A with an expanded junction splay provides suitable space for service vehicles egressing the site to turn left out without crossing the centre line of Station Road addressing the road safety risk raised by an independent auditor in the Road Safety Audit of the previous service vehicle egress of the previously permitted layout. It is noted this revised layout involves the removal on an existing street tree, however the removal of this tree is illustrated in order to provide space for the revised service vehicle egress to address an identified road safety risk and provide a safer egress for exiting service vehicles to prevent conflicts with oncoming traffic on Station Road. It is also considered the removal of the tree in close proximity to the carriageway edge improves visibility for the proposed service vehicle

egress and adjacent existing hospital access. According to evidence submitted by the applicant agent removal of the tree and associated routes will also allow new and improved drainage to be installed.

Therefore in conclusion as the improved service vehicle egress has been provided to directly address a Road Safety Audit risk and a betterment to the highway I recommend no highway objection.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Yours sincerely,

Mark Sweet

Senior Technician