

**NORTHERN PLANNING COMMITTEE – 29 JUNE 2011**

**UPDATE TO AGENDA**

**APPLICATION NO: 11/1239M**

**LOCATION: LAND OFF TUDOR DRIVE, PRESTBURY**

**UPDATE PREPARED: 27 JUNE 2011**

**CONSIDERATIONS**

**Forestry:** No objection subject to conditions

The Forestry Officer has assessed the planning application and offers the following comments:

The outcome of this proposal rests on whether the scheme meets the requirements of saved policy DC39 of the Macclesfield Borough Local Plan i.e. that the submitted mitigation proposed will meet the requirements of part (c) of the exceptional circumstances in that it would result in a net environmental gain.

The proposal will necessitate the removal of a protected Oak tree and two Horse Chestnut (located within G1 and G2 of the TPO), which was discussed as part of pre-application discussions in October of last year. It was stressed at those discussions that any removal of protected trees which formed part of the proposed development of the site would require sufficient levels of landscaping and management to mitigate for the loss of the trees and meet the requirements of Policy DC39 (c).

Proposed mitigation is outlined in the submitted Landscape Scheme which compartmentalises the land to the rear of the proposed building into five management areas, proposing a native woodland wildflower area, mixed native tree planting, restocking and replacement of an existing plantation and new native hedgerows along the northern and southern boundaries. It is proposed the scheme will be maintained for 3 years to ensure successful establishment.

Whilst both the protected Oak (T1) and two Horse Chestnut (T10, T11) are deemed high (A) and moderate (B) category trees, the Forestry Officer is of the view that their contribution is restricted to the immediate locale and their significance to the wider landscaped setting is restricted. The proposed scheme of mitigation has been the subject of detailed discussion with the Applicant's Arboriculturist and it is considered that on balance in this particular circumstance the proposed environmental improvements outweigh the loss of the protected trees.

The Forestry Officer also concurs with the Landscape Officer's view that a 10-year management plan of the landscape proposals would be more

appropriate than the three years proposed to ensure successful establishment and to meet the requirements of the 'exceptional circumstances' in Policy DC39.

The Forestry Officer therefore raises no objection subject to the following conditions:

- The development shall be carried out in strict accordance with the submitted Arboricultural Statement, Tree Survey Schedule and Tree Protection Plan
- A revised Landscape Scheme should be submitted as proposed by the Landscape Architect (see the Landscape Officer's comments below)

**Landscape:** No objection subject to conditions.

The Landscape Officer has assessed the planning application and offers the following comments:

The proposed wildlife 'garden' on the narrow southern part of the site is appropriate and acceptable in principle but the proposed design (Revised Cheshire Woodlands Landscape Layout Plan) would need to be amended. The amount and density of the proposed woodland and scrub planting should be reduced and the width and route of the path should be amended in order to create an attractive, accessible and manageable area. Full details of the proposed pond (size, shape, profiles, lining etc) would also be required. A long-term (10 year) landscape and habitat management plan is recommended to ensure that the area is properly managed in order to secure significant environmental gain to mitigate the loss of the mature and protected trees.

Hard and soft landscape details would be required for the curtilage area including boundary treatments. The low hedge with field gates shown on the elevation drawing is more appropriate than the previously submitted gates, walls and railings.

No objection is therefore raised subject to the following conditions:

- Submission and approval of landscaping scheme
- Implementation of landscaping scheme
- Pond details to be submitted and approved
- Submission and approval of boundary treatment details
- Submission of a 10 year landscape and woodland management plan

**Nature Conservation:** Requests that an additional Bat Survey is undertaken and the results are submitted prior to determination of the application.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic

nature and beneficial consequences of primary importance for the environment and provided that there is:

- No satisfactory alternative; and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- A licensing system administered by Natural England; and
- A requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

Local Plan Policy NE11 of the Macclesfield Borough Local Plan 2004 states that the Borough Council will seek to conserve, enhance and interpret nature conservation interests and that development that would adversely affect nature conservation interests will not normally be permitted.

The application is supported by an ecological assessment undertaken by a suitably experienced ecological consultant. The Nature Conservation Officer has assessed the submitted information and makes the following comments:

The submitted ecological assessment was undertaken during a poor time of the year for botanical surveys, however the Nature Conservation Officer is familiar with the site and whilst the site is of some limited nature conservation value it does not support any habitats or vegetation types of any particularly significant ecological value that would present a constraint upon the proposed development.

A tree scheduled for removal (labelled T2 on the tree retention plan) has been identified as having moderate potential to support roosting bats during the submitted ecological survey. As bats are a protected species and a material consideration, a survey is required to establish if roosting bats are present within this tree. This survey must be undertaken by a suitably experienced ecologist and the results of the survey must be submitted prior to the determination of this planning application. The agent has been told of this requirement and the further survey is currently awaited.

A wildlife pond is proposed as part of the development. Ponds are a Biodiversity Action Plan Priority Habitat and the creation of a pond at this site would contribute to local targets for habitat creation. However, no details of the proposed pond have been provided with the application.

Subject to the results of the additional bat survey, if planning consent is granted it is recommended that the following conditions are attached:

- Safeguarding of breeding birds
- Provision for roosting bats as part of the proposed development
- Submission and approval of detailed plans for the pond

## **OTHER REPRESENTATIONS**

One additional letter has been received that was signed by six addresses and is a response to the report to Committee. Many of the issues raised were outlined in the original letters/e-mails of objection. The letter outlines why they consider the development should be refused and under which policies, and outlines a number of reasons why they consider that the officer's report/opinion is incorrect. They also outline inaccuracies contained within the supporting information submitted by the applicant's agent. They do not contend that the proposed landscape mitigation measures would outweigh the harm to the removal of the trees and the 10-year management plan would be difficult to enforce given that it would not be accessed by the public. A full copy of the letter is available to view on the application file.

It is considered that all the points raised have already been outlined and discussed within the report to Committee and they do not change the recommendation put forward.

## **Other Matters**

Members commented during the Committee site visit about the land levels to the rear of the proposed dwellinghouse and asked how these were to be managed within the development. These comments have been passed onto the Agent and Members will be updated at the Committee Meeting.

## **Recommendation**

**Subject to the results of the bat survey the recommendation remains one of approval subject to conditions set out in the Committee Report and subject to the additional conditions below:**

1. The development shall be carried out in strict accordance with the submitted Arboricultural Statement, Tree Survey Schedule and Tree Protection Plan
2. Submission and approval of landscaping scheme
3. Implementation of landscaping scheme
4. Submission and approval of boundary treatment details
5. Submission of a 10 year landscape and woodland management plan
6. Safeguarding of breeding birds
7. Provision for roosting bats as part of the proposed development
8. Submission and approval of detailed plans for the pond