

CHESHIRE EAST COUNCIL

NORTHERN PLANNING COMMITTEE REPORT

Date: 5th October 2016

Report of: Declan Cleary – Senior Planning Officer

Title: Demolition of Existing Dwelling and erection of 2 new houses - Resubmission of 15/2163M

Site: 1, Butley Lanes, Prestbury, Cheshire, SK10 4HU

1.0 Purpose of Report

1.1 Northern Planning Committee resolved to refuse planning application 16/0834M on 7th September 2016 for the following reasons:

- 1) Overdevelopment of the site – the proposed development would have insufficient space to provide outdoor amenity space consistent with that of the established character of the area.
- 2) Impact on trees
- 3) Impact upon amenity of neighbouring properties

1.2 No decision notice has been issued following the resolution to refuse planning permission. It is considered that there is important technical information unavailable at the previous Committee in respect of reason for refusal No.2 (Trees), which requires consideration. The information relates to the Council's Forestry Officer consultation response with regard to the submitted scheme (as amended).

2.0 Decision Required

2.1.1 To consider the additional information in relation to reason 2 in advance of formally issuing a decision notice.

3.0 Background

3.1 The site relates to a large detached dwelling and its curtilage which is located within the settlement boundary for Prestbury as defined by the Local Plan Policies Map. The surrounding area is predominantly residential and comprises a mix of dwelling types of varying designs.

- 3.2 The site assumes an elevated position on a corner plot which lies adjacent to the junction of Butley Lanes and Prestbury Lane. The site boundary fronting the public highway is well vegetated with mature vegetation. Trees on the frontage of the adjacent plot (No.3 Butley Lanes) are covered by a tree preservation order.

4 Proposed Development

- 4.1 16/0834M seeks planning permission for the demolition of the existing two storey detached dwelling and construction of two detached dwellings.

5 Officer Comment

- 5.1 The application site relates to a prominent elevated corner plot which contains numerous mature and established trees which provide a positive contribution towards the visual amenity of the area. These trees are not afforded any formal protection however a tree within in the adjacent plot (No.3 Butley Lanes) is protected by a Tree Preservation Order.
- 5.2 The application proposals as detailed in the submitted site plan and Arboricultural Survey show the majority of these visually important trees to be retained. Those trees which are scheduled for removal are of low value, and the Councils Forestry Officer does not contest their removal. The Council's Forestry Officer acknowledges, in their initial consultation response (Appendix 1), that there will be some minor encroachment of development (0.5m) into the Root Protection Areas of some of the mature boundary trees, through the realignment of the driveway, but considers this to be "extremely limited" and that the trees are of sufficient vigour and vitality to accommodate such a change.
- 5.3 Comment was raised with regard to the proximity of the development to T20, a category B mature Walnut Tree, which is sought for retention. The proximity of the development to the tree, even with specialist construction, is such that its long term retention is unlikely. Notwithstanding this, no formal objection has been raised to its removal.
- 5.4 Concern was raised with respect to the impact that the proposed development would have on the off-site Beech tree which is afforded formal protection. The concern related to the encroachment of the proposed driveway into the Root Protection Area (RPA). However, the scheme was amended to ensure that the driveway would be sited clear of the RPA. Following further consultation with the Councils Forestry Officer, no objection to the scheme was raised subject to the imposition of conditions (Appendix 2).
- 5.5 In the absence of any objection from the Council's technical specialist it is not considered that there is sufficient basis to refuse the application on the grounds of its impact on trees. Any loss is considered to be acceptable and the long term retention of protected trees, and the visual important unprotected boundary trees, would not be compromised by the development.

6 Conclusion

- 6.1 On the basis of the above, in terms of the impact that the development would have on trees, based on technical advice it is not considered that pursuing a reason to refuse the scheme on the grounds of the impact on trees can be sustained.

7 Recommendation

- 7.1 To remove reason for refusal No.2 (Trees) from the resolution to refuse, and to pursue refusing the application for the following two reasons:
- 1) Overdevelopment of the site – the proposed development would have insufficient space to provide outdoor amenity space consistent with that of the established character of the area.
 - 2) Impact upon amenity of neighbouring properties

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 It is not considered that a refusal relating to the impact on trees can be sustained at appeal given the technical evidence and advice received.

For further information:

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Background Documents:

- *Application 16/0834M*

Appendices:

Appendix 1 – Forestry Officer Comments received 5th April 2016
Appendix 2 – Forestry Officer Comments received 29th July 2016

Internal Consultee Reply Form

Consultation on Planning Reference Number **16/0834M**

Proposal: **Demolition of Existing Dwelling and erection of 3 new houses, 1 detached and a pair of semi-detached - Resubmission of 15/2163M**
Location: **1, BUTLEY LANES, PRESTBURY, CHESHIRE, SK10 4HU**
Applicant: **BCL Homes Ltd**

Views of Heritage & Design - Forestry in response to consultation dated 15-Mar-2016.

The application is supported by a Tree Report by Murray Tree Consultancy dated 3rd March 2016. This is an amended document which predicates the previous submission in respect of application 15/2163m. Comments made in respect of the previous application are still relevant and detailed below.

The submitted plans and particulars illustrate which trees are suggested for retention and are cross referenced with their Root Protection Areas and respective Tree protection details onto a Tree Protection Plan. Prior to the submission of the previous application (13/3035m) on this site, an amount of pre-determination pruning had already been carried out. This involved in the main the removal of a number of low and mid canopy primary branches associated with the offsite trees located within the grounds of number 3 Butley Lanes, and forming the boundary with the application site. None of the trees were the subject of a Tree Preservation Order or Conservation Area status, with the pruning, which in part does not accord with the requirements of current best practice BS3998:2010 precluding the trees for consideration for formal protection.

This application identifies the removal of the trees identified as T2, 3, 4, 18, 19, G2, G3, & H2, all of which are considered to be low value category C specimens, the loss of which would not be contested. The high value Butley Lanes road frontage trees have been retained and can be protected in accordance with current best practice BS5837:2012

In order to accommodate the minor re-aligning of the driveway on the Butley Lanes aspect of the site there is a slight incursion 0.5m within the RPA of T5, 6, & 7 but this is considered to be extremely limited, and probable less detrimental in terms of longevity than the previously identified pruning. The trees are considered of sufficient vigour and vitality to accommodate such works. The incursion associated with T9 & 13 has already been established within the existing layout.

The relationship between the proposed dwelling plot 1 and the closest retained tree T20 is extremely poor and unsustainable, even if the suggested pile and beam foundation is implemented. Even if the tree survives the

construction process issues of social proximity will preclude its retention.

An amount of works associated with a set of steps extending through the RPA of T10 is proposed, this can be dealt with as part of a construction method statement should the development proceed

In conclusion, no significant loss of amenity will occur in terms of proposed tree losses; none of which are formally protected by a Tree Preservation Order. The managed relationship between the new build and off site retained tree T20 is unsustainable, but an objection to the application in the form of a TPO cannot be raised for the reasons previous stated.

Should the application proceed the following conditions should be attached

Conditions

All arboricultural works shall be carried out in accordance with Murray Tree Consultancy Tree Report ref PM/03/03/16 dated 3rd March 2016

Reason To protect the continued well being of the trees in the interests of the amenity of the locality.

Construction Specification / Method Statement

A03TR Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for the new parking turning area located off the existing driveway within the retained trees RPA's, and the set of steps off Butley Lanes shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the area and in accordance with policy DC9 of the Macclesfield Borough Local Plan 2004.

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APPENDIX 2 – FORESTRY OFFICER COMMENTS RECEIVED 29th JULY 2016

The initial concerns expressed in respect of the impact of the revised driveway layout and the off site Beech identified as T1 in the original arboricultural submission have now been addressed with the driveway to Plot 1 now reflecting the edge of the trees Root Protection Area. Comments in respect of the remaining development are reflective of this made previously

Should you be minded to approve the application the following conditions will be required including a revised tree protection scheme to reflect the amended submission.

All arboricultural works excluding the submitted tree protection scheme shall be carried out in accordance with Murray Tree Consultancy Tree Report ref PM/03/03/16 dated 3rd March 2016

Reason To protect the continued well being of the trees in the interests of the amenity of the locality.

A02TR Tree Protection

(a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with British Standard BS5837: 2012 Trees in Relation to Design, Demolition Construction: Recommendations. which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

Construction Specification / Method Statement

A03TR Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby

approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for the new parking turning area located off the existing driveway within the retained trees RPA's, and the set of steps off Butley Lanes shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

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