

From: [Steve Massey](#)
To: [Johnston, Christopher](#)
Cc: [Planning Comments \(SMDC\)](#)
Subject: SMD/2021/0467 - Bank View, Draycott Road, Upper Tean
Date: 11 October 2021 12:07:12

Chris

Summary: objection – to the detailed proposed layout and access details – due to loss of significant trees, likely harmful impact on significant trees, and poor quality living environment due to inappropriate proximity to significant trees. However, acceptable alternative access and improved layout could satisfactorily address these issues and support the previously approved in-principle provision of a new dwelling on this site.

The previous outline application (SMD/2020/0342) initially also sought approval of access details; however I raised concerns about the then-proposed access route as it would require removal of a number of mature trees forming a substantial part of a significant belt of trees, and the access details were subsequently omitted and the application amended to outline only with all matters reserved. We noted that the proposed dwelling site could be potentially and acceptably served by the existing tarmac drive adjacent to the north-east elevation of the existing dwelling without impact on trees (the idea of which the applicant/previous agent accepted), and as the plot was also considered capable of accommodating a dwelling of some form I had no objection in principle to outline planning permission being granted with all matters reserved.

The current reserved matters application seeks approval of, amongst other matters, access and layout, and it is noted that the detailed access proposals have reverted to those of the original outline application, and therefore again would require removal of several trees, which once again is not considered appropriate when less damaging alternative is available. The proposed site layout also shows the dwelling position close to/within the edge of the tree belt, and this also raises issues of damage to trees and poor relationship with such large and dominant trees.

A tree report is submitted with the reserved matters application; however this has a few shortcomings including misidentification of species, a sketchy and imprecise representation of the proposed dwelling footprint, and a fairly relaxed interpretation of BS 5837 guidance and contention that engineering solutions would overcome direct impact on retained trees. In addition, the tree constraints formed by Root Protection Areas (RPAs) have not in turn been transposed onto the architect's site layout plan (which does show precisely the proposed dwelling footprint etc) and so it is rather difficult to accurately assess exact impact of development proposals with respect to RPAs (and tree canopies).

The proposed access drive has recently been amended to 3.7m width, but this in itself does not lead to any additional impact on trees not already affected, nor to significantly increased impacts on trees already affected. The drive would require the removal of 3 Leylandii to the rear of the existing garage (T2, T3 & T4) to which I have no objection. The drive would then require removal of a group of 4 mature trees, and whilst of these the Birch (T5) and Pine (T7) are tall/spindly and of relatively low significance in the group context, T8 (Norway maple) and especially T6 (Copper Beech) are notable and dominant within the group, and their collective removal would be of notable visual impact from Draycott Road. The drive would then encroach into the RPA of

another Maple T10; the application tree report contends that hard surfacing on up to 20% of an RPA is “acceptable under current guidelines” but this takes the advice of BS 5837 somewhat out of context and also does not acknowledge that a significant part of the affected RPA of T10 extends into a steep bank which would appear to require either excavation and/or infilling to accommodate the drive, both of which being potentially harmful to tree root systems.

The dwelling footprint itself would also extend into tree RPAs; due to the absence of RPA constraints on the architect’s site layout plan, and the sketchy/schematic representation of the proposed dwelling on the tree report’s tree constraints in conjunction with proposals plan, it is difficult to quantify precisely by what extent, or even which exact trees, this relates to. However, it appears that the dwelling footprint and path/patio surround would encroach into the RPAs of T13, T14, T17 and possibly T18, whilst the path/patio surround would also extend into the RPAs of T15, T16, T19 and T21. Again the tree report seeks to justify this with reference to incursion up to 20% being “acceptable under current guidelines”. In fact, however, the relevant part of BS5837 advises that hard surfacing (my emphasis) of up to 20% of RPA area could (my emphasis) be acceptable in certain circumstances, but this is not also specified in relation to buildings as foundations would normally have significantly greater impact than hard surfacing. The tree report also makes general reference to the potential use of sleeved/sheathed concrete piles or screw piles to reduce direct impact on roots compared to standard trench/strip footings, but without specific proposals being put forward.

However, in suggesting that the impact on the retained trees could be made acceptable by special engineering/specification solutions, the application does not take account of the basic premise of BS 5837 which is a default position that all structures (this includes drives, hard paving, underground services etc as well as buildings) should be outside tree RPAs, but that where there is considered to be overriding justification (my emphasis) for encroachment into RPAs there may be engineering solutions available which could acceptably reduce impact on roots. I would consider that a proposal for a new private dwelling does not amount to overriding justification for development encroachment into RPAs of significant trees, the more so when as here there are acceptable alternative solutions available.

Aside from such direct impacts, the dwelling footprint appears to slightly encroach within the crown spread of at least two of these trees and would potentially require some crown pruning to accommodate the building, and would otherwise be immediately alongside the dense combined canopies of a continuous belt of large mature trees to the south-east, south, and south-west of the dwelling which will inevitably create significantly shady conditions for and overbearing impact on the dwelling, affecting in particular the lounge, bedroom 2 and family bathroom and leading to a poor quality living environment for occupants. Neither the proposed site layout nor the applicant’s tree report appear to have satisfactorily taken account of the relationship with and shading/overbearing effects of the belt of trees, albeit the tree report suggests some crown lifting and limited selective lateral branch reduction to some trees (in fact the crown lifting suggested in the report includes the notable Copper Beech T6 even though this tree is identified for removal required to accommodate the drive).

The facts that the current proposal would result in loss of significant trees, seeks to justify impact on retained trees and encroachment into RPAs by reliance on special measures which is not justified, would potentially require some crown pruning to physically construct and accommodate the dwelling, and would create inappropriate proximity with dominant trees, all

suggest that the proposed development is inappropriately designed in relation to existing trees as it produces conflict with trees and does not respond well to the tree-related constraints and influences, and could consequently be regarded as overdevelopment of the site.

Notwithstanding these problems and concerns, we have previously accepted the principle of a new dwelling at this site (on the basis of acceptable alternative access being achievable), albeit at least partially justified at a time when we were unable to demonstrate a 5 year housing supply which is no longer the prevailing situation. The previously considered access drive alignment alongside the end of the existing dwelling would again avoid impact on significant trees. In addition, from my site visit in connection with this reserved matters application, it appears that there is a further possible option for drive alignment, much closer to that currently proposed. This would entail the drive breaching the tree belt centred on the position of tree T9, a mature Horse Chestnut. Although noted in the applicant's tree report as being in good condition, this tree is in fact in serious decline and the crown has begun to break up with the recent shedding of a major limb and more of the same anticipated. Removal of T9 is likely to be necessary anyway on arboricultural grounds, irrespective of any development proposals. T9 stands in something of a "thin point"/gap in the otherwise densely continuous tree belt, and a drive alignment centred on the position of T9 could also completely avoid the RPA of the Copper Beech T6, avoid the need to remove T6 and any of the other trees in its immediate vicinity (T5, T7, T8), and excavation/infilling to accommodate the steep bank could also be designed to avoid impact on roots of significant trees adjacent to T9.

Site layout would also still require a re-think in respect of relationship with the dominant tree belt. However, an alternative access drive alignment through the position of T9 could give opportunity to expand the site extent further westwards, allowing re-positioning, re-orientation and even re-design of floorplan of the dwelling, to achieve substantial separation from the tree belt and significantly improved outlook with significantly reduced shading/overbearing effects of trees.

On a less fundamental but still important issue, the reserved matters application also seeks approval of landscaping, although no detailed landscaping proposals are included. Whatever form of development occurs in due course, there would inevitably be a need to remove a significant amount of scrub and small sapling trees which have self-set in the disused riding manege and surroundings, and the development should mitigate for this and provide appropriate landscape/ecological enhancement and net gain. Whilst the site is visually well-screened, and it is not really the place of planning control to dictate private garden internal layout or treatment other than boundary/setting issues and visual impact/biodiversity mitigation/enhancement where relevant, there is opportunity for example to plant new native species hedgerows incorporating suitable hedgerow trees to the west and north boundaries of the site. A comprehensive and fully specified landscaping scheme would be required to approve landscaping reserved matters.

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