

ITEM NO: 8

Application No.
18/00038/FUL
 Site Address:

Ward:
 Old Bracknell

Date Registered:
 2 February 2018

Target Decision Date:
 4 May 2018

Street Record Chadwick Mews Bracknell Berkshire

Proposal:

Section 73 application to amend condition 01 (approved drawings) of 01 of reserved matters approval 09/00378/REM to allow removal of leylandii cypress tree screen between Chadwick Mews and The Green and replacement planting.

Applicant:

Mr Simon Balchin

Agent:

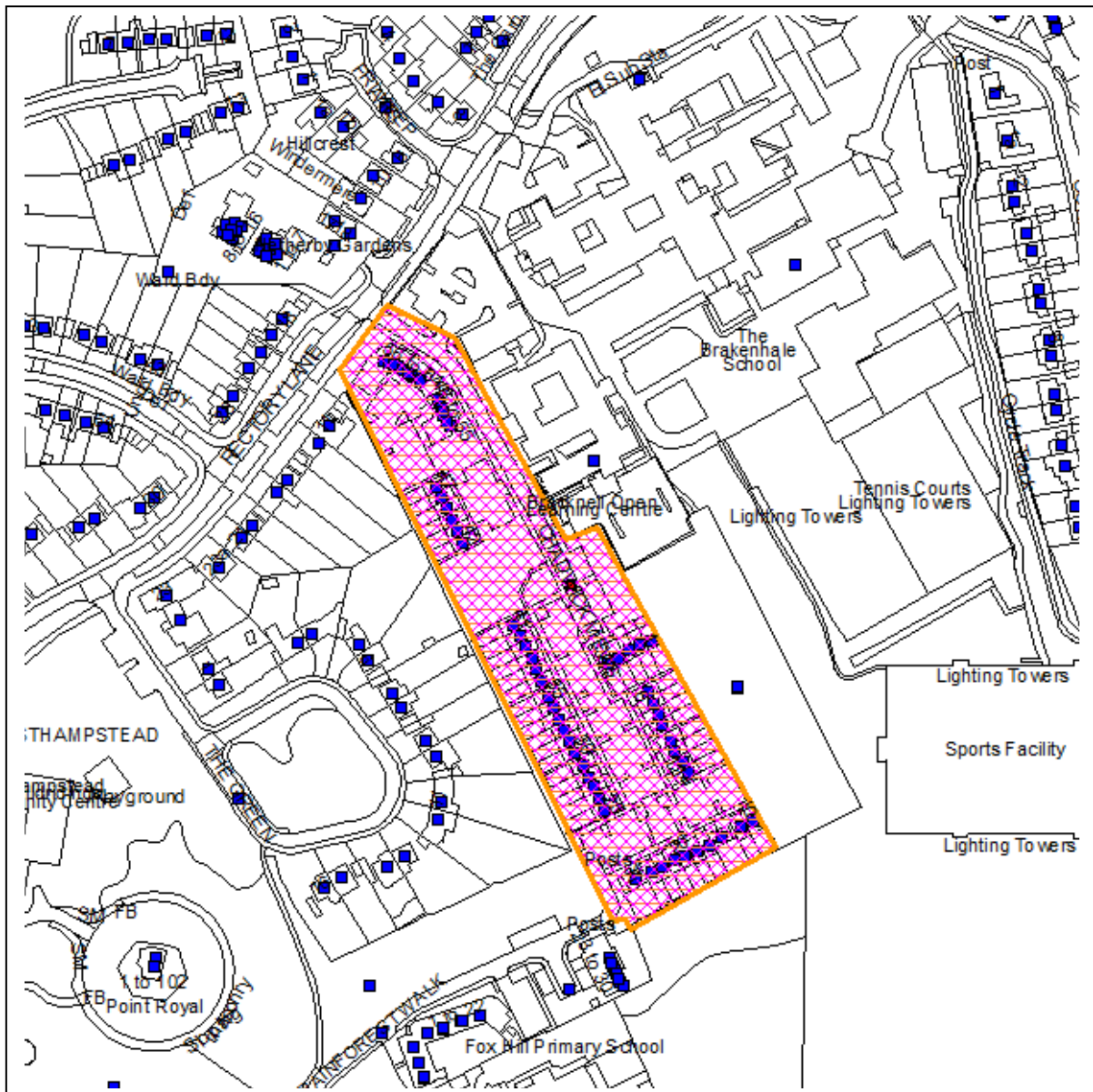
(There is no agent for this application)

Case Officer:

Trevor Yerworth, 01344 352000

development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. SUMMARY

1.1 This is a Section 73 planning application to vary condition 01 of reserved matters approval 09/00378/REM which requires that the development be carried out in accordance with a list of approved plans and other documents. The approved site plan numbered 0.340PL 202A indicates that the Leyland cypress trees along the southern part of the western boundary are to be retained.

1.2 The applicant removed eight trees without permission in December 2017. Following a complaint Enforcement Officers visited the site and advised the applicant to cease felling and that if it wished to remove these trees, it would need to submit a planning application. This application therefore seeks to regularise the situation and seeks permission to remove the remainder of the Leylandii and to replant with Laurel.

1.3 The Council's Landscape Officer has advised that Leyland cypress does not regenerate from old wood, so reducing the height and width of the hedge would not be practical as this would result in large areas of bare branches exposed which would have a detrimental visual impact on the local area. The best option would be to remove the existing hedge and replace it with a native species hedge, rather than the proposed laurel, that in time would provide screening and benefit wildlife.

1.4 The proposal would provide significant improvements to the amenity of residents of Chadwick Mews particularly through the reduction in the current loss of light and damage to their rear gardens caused by these overgrown trees. Although there would be some loss of screening for residents of The Green, particularly in the short term, adequate back to back distances and boundary fences would ensure that the removal of these trees would not result in any material adverse impact on privacy.

RECOMMENDATION
That, subject to the receipt of a bat survey before determination, planning permission be granted subject to conditions.

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application is reported to the Planning Committee as more than five objections have been received.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS
Within defined settlement boundary
Adjacent to Easthampstead Conservation Area

3.1 The site is approximately 1km south of Bracknell Town Centre and 200m from local services at the Easthampstead Neighbourhood Centre on Rectory Lane. It comprises an area of land on the eastern side of the boundary between Chadwick Mews and The Green. The Leyland Cypress trees were planted in 1976 to form a screen between Brakenhale School and residential properties on The Green. The trees were retained when Chadwick Mews was constructed approximately 8 years ago and comprise a linear group of approximately 40 trees on the southern section of the western boundary of Chadwick Mews where it borders the rear gardens of properties on The Green. The trees form a thick mature

evergreen screen taller than the houses on Chadwick Mews which does not appear to have been maintained in recent years, and is now considerably overgrown.

4. RELEVANT SITE HISTORY

4.1 Outline permission for the redevelopment of the Chadwick Mews site for 63 dwellings with access onto Rectory Lane was approved on 24.01.2008 under application 07/01259/OUT. Reserved Matters was approved under application 09/00378/REM on 23.07.2009.

4.2 Planning permission was subsequently granted (application 12/00461/FUL) to increase the height of the existing fencing between 47-63 Chadwick Mews and 7-11 The Green by 500mm to a new height of 2.3m.

5. THE PROPOSAL

5.1 The proposal seeks to vary condition 01 of reserved matters approval 09/00378/REM which requires that the development be carried out in accordance with a list of approved plans and other documents. The approved site plan numbered 0.340PL 202A indicates that the Leyland cypress trees along the southern part of the western boundary were to be retained.



5.2 The applicant removed eight trees without permission in December 2017. Following a complaint Enforcement Officers visited the site and advised the applicant to cease felling and that if it wished to remove these trees, it would need to submit a planning application. This application therefore seeks to regularise the situation and seeks permission to remove the remaining Leyland cypress trees and to replant with 50 laurel trees to be maintained at a height (when fully grown) of eight metres.



6. REPRESENTATIONS RECEIVED

Bracknell Town Council:

6.1 B.T.C Councillors recommend refusal for the following reasons:

- 1) Laurel bushes are not a suitable replacement for Leylandi. Leylandi are used by birds and bats for resting, roosting and nesting, Laurel bushes do not grow as full and would not create the same safe habitat which is suitable for natural wildlife. The trees are established removing them would be detrimental to the local wildlife.
- 2) Laurel bushes are more prone to growing faster in width rather than height causing more noise pollution to all the surrounding properties on either side of this natural boundary.
- 3) Laurel bushes need regular trimming meaning more cost implication to maintain them. Once established Leylandi require much less maintenance, making them a much more cost effective screen.

Other representations:

6.2 Seven letters of support have been received from residents of Chadwick Mews. These raise the following issues:

- The trees block all sunlight from the gardens of properties on Chadwick Mews, which makes the gardens unusable for most of the year as it is too muddy and nothing is able to grow except weeds which thrive in the dark cool conditions.
- A substantial branch fell in our garden and damaged belongings in the garden. If it had fallen during the day it could have seriously injured someone or even worse.

- The Housing Association has offered an alternative screening of laurel trees so privacy of other residents of the locale is maintained which is considered to be a very reasonable approach/way forward.

6.3 Eight letters of objection have been received from residents of The Green. These raise the following issues:

- This removal will expose the houses on The Green to an uninterrupted view of Chadwick Mews and loss of privacy. We used to look out on trees but now we have a view of walls and the bedroom windows of the other houses.
- The replacement with laurel trees is not acceptable as they are slow growing and have a limited height expectancy.
- Agree that the trees are extremely high and as a compromise suggest the trees be pruned to an agreeable height and maintained at regular intervals, rather than destroying them completely. Would have no objection to 50% height reduction of the screen and a significant reduction in the "spread" of the trees at the lower level of the screen. The screen as it stands is dark and unsightly and prevents early sun on the gardens of The Green.
- The Leylandii create a natural boundary, calming noise pollution from the adjacent road which contains the housing estate, school playgrounds/fields and also the traffic from the adult learning centre who share this road.
- This natural boundary is a haven for birds and bats to nest and enjoy undisturbed rest. The height of the trees is suitable for bat foraging and commuting habitat. The removal of the trees will be detrimental to the loss of wildlife. Laurel bushes will not create the wildlife with safe habitat or prevent noise from the residential and public amenities behind it.
- The removal of the trees will have an effect on the setting of a Conservation area.

7. SUMMARY OF CONSULTATION RESPONSES

7.1 Landscape Officer: No objection but recommends that the existing hedge should be replaced with a native species hedge, rather than the proposed laurel.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	consistent
Residential Amenity	Saved policy EN20 of BFBLP	consistent
Biodiversity	CS1 and CS7 of CSDPD	consistent
Trees	BFBLP EN1, EN20	consistent
Other publications	National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). Design SPD, Character Area Assessments SPD, Design SPD	

9. PLANNING CONSIDERATIONS

9.1 As this application relates to a development that was completed approximately eight years ago, and does not involve any new development, the principle of the development is not an issue for this application. The key issues for consideration are:

- i Impact on character and appearance of the area, including on the Easthampstead Conservation Area;
- ii Impact on residential amenity; and
- iii Biodiversity Considerations

i. Impact on the character and appearance of the area

9.2 Policy EN1 of the BFBLP, seeks to retain trees and hedges which are important in either the character and appearance of the landscape or townscape, or habitats for local wildlife. Policy EN2 seeks the use of indigenous species in new planting schemes. Policy EN20 expects new development to retain beneficial landscape features and to avoid the loss of important natural features such as trees and hedges.

9.3 The Leyland Cypress tree screen forms a substantial natural feature in the local area, and is clearly visible from both Chadwick Mews and The Green. It is clearly valued as having an important screening function between these two developments, although it is clear from the objections that there is acknowledgement that the tree screen is now excessively tall and should be reduced in height and spread. The importance of these trees was recognised at the outline application stage for Chadwick Mews and led to them being protected by condition 21 that states: "No tree, hedgerow or group of shrubs shown to be retained on approved plans shall be cut down, uprooted or destroyed without prior written permission of the Local Planning Authority."

9.4 Their importance was also recognised at the reserved matters stage. The approved site layout plan clearly indicated that these trees were to be retained and this was also supported by the approved "Maintenance Strategy for Cypress Screen Revision A" which states: "Under no circumstances are the cypress trees to be removed without the written approval of the Local Authority for such action. If an application for removal becomes necessary then the Management Company shall simultaneously submit an alternative landscape and boundary treatment scheme for approval by the Local Authority."

9.5 The removal of these trees would therefore be in conflict with policies EN1 and EN20. However this has to be weighed against the harm that would result if the trees were kept and managed more effectively through regular pruning. The Council's Landscape Officer has advised that the existing Leyland cypress screen is overgrown, currently taller than the adjoining buildings and spreading such that it is overhanging the adjacent gardens. However reducing the height and width of the hedge would not be practical as Leyland cypress does not regenerate from old wood. Reducing the height and pruning the sides to limit overhang would result in large areas of bare branches being exposed. The visual impact would be detrimental to the appearance of the area.

9.6 It is therefore considered that the trees presently form a landscape feature that contributes positively towards the overall character and appearance of this area. However their height and width are now of such an extent that they have become overbearing and detrimental to the amenities of the adjoining properties, especially on those on Chadwick Mews which have relatively short gardens. The trees cannot be satisfactorily reduced in size without exposing bare branches that would be unattractive and result in harm to the character and appearance of the area. The best solution is therefore considered to be to permit the removal of these trees subject to suitable replacement planting as advised by the Landscape Officer.

9.7 During the course of the application the applicant has been advised that laurel would not be the most suitable species for the replacement planting and that a native hedge would provide a considerable wildlife benefit and would also allow more light to the Chadwick Mews gardens especially during winter months. The applicant has not to date

responded to this request, and therefore it is considered that should Members be minded to agree this proposal a condition is included requiring that details of replacement planting be submitted and approved before any further felling takes place.

9.8 Although the site lies outside the Easthampstead Conservation Area, because of its proximity to this it is necessary to consider whether the proposal would preserve or enhance the character or appearance of the conservation area. Core Strategy Policy CS1 requires development to protect and enhance historic and cultural features of acknowledged importance and Policy CS7 requires development to respect the historic environment. Easthampstead was the second neighbourhood to be built in accordance with the Bracknell Master Plan between 1958 and 1962, forming part of the original new town. Point Royal, a listed seventeen storey block of residential flats, provides the focal point of the conservation area. The conservation area was formally designated in 1996 as it was considered that the architecture of the buildings and their relationship with surrounding spaces and landscaping, together with the historical association of the neighbourhood merited giving it conservation area status.

9.9 The part of the conservation area closest to the site comprises properties in The Green, a low density development of semi-detached houses in large plots, set around a central wooded green. The Leyland Cypress trees are visible from the conservation area although these views are to some extent obscured by properties on the Green to which the trees form a backdrop visible over the roofs and in between the houses. It is therefore not considered that the removal of these trees would significantly open up views of the Chadwick Mews properties from areas within the conservation area.

9.10 As noted above the main focus of the conservation area is the listed Point Royal. The Leyland Cypress trees are on the edge of the conservation area and do not help to soften and screen the development at a key entry point into the conservation area in the way that the mature trees and hedges that form the boundary along Rectory Lane do. They are only visible in views out of the conservation area across the gardens and between the houses on The Green. Removal of these trees may open up views of the Chadwick Mews properties but this in itself is not considered to result in any adverse impact on the conservation area, and these properties would still be largely screened by the properties in front on The Green. The trees are not of themselves particularly attractive or a native species and are only protected because of their screening function rather than because of any intrinsic value they might have. The trees were planted in 1976 and therefore post-date the new town development upon which the conservation area is based by over 10 years. They do not therefore form part of the special character of the area that the Conservation Area was established to protect. Furthermore the proposed replacement planting would, over time, reduce any impact their loss may have on the conservation area.

9.11 In conclusion it is considered that the loss of these trees would result in a slight increase in the visibility of the houses on Chadwick Mews from the conservation area, but for the reasons set out above this is not considered to result in a significant adverse impact on the character or appearance of the conservation area and therefore would not be in conflict with CSDPD Policies CS1(ix) and CS7(i).

iii. Impact on residential amenity

9.12 The reason given for the removal of the Leyland Cypress trees is that they pose a serious health and safety concern due to falling branches. However it is also clear from the representations received from residents of Chadwick Mews that the trees cause significant loss of light into their rear gardens, which makes the gardens unusable for most of the year. Officers are sympathetic to these concerns and agree that the trees have now outgrown this restricted area, and now create overshadowed and oppressive rear gardens for several

properties on Chadwick Mews. However for the reasons set out in paragraph 9.5 it is not considered that they could be significantly reduced in size without causing significant detriment to the appearance of the area.

9.13 The properties that would be most affected by the proposed development are seven houses in The Green which back onto the western boundary of the site. The houses on The Green have long rear gardens with a minimum length of 23.5 metres. The houses on Chadwick Mews are sited such that there is a back to back separation distance of at least 36 metres which is substantially in excess of the generally accepted minimum distance of 30 metres for three storey houses.

9.14 The potential loss of these trees was referred to when the reserved matters for Chadwick Mews were considered in 2009. The report to Committee stated: "In addition to the separation distance, privacy is presently augmented in part by the existing tree screen which the applicants propose to retain. It is considered that, while not in itself essential to the avoidance of unacceptable overlooking, the retention of this tree screen does add to the actual and perceived sense of privacy enjoyed by residents of The Green. However it is possible that future residents of the proposed houses that back onto this tree screen may wish to substantially reduce the height of this screen or remove it altogether. This pressure may be accentuated if discolouration results from the crown lifting required to provide the rear access paths. At present these trees are protected by way of a condition on the outline planning permission which prevents their felling without the prior permission of the LPA. It is considered that a time may come when it is considered appropriate to allow the removal of these trees in the interests of the amenities of the future occupiers. Should this situation arise it is considered that permission to fell should only be granted if a satisfactory alternative form of boundary treatment is agreed with the LPA."

9.15 It is considered that the situation envisaged in the above paragraph has now arrived when the overall balance of amenity has shifted such that greater harm to residential amenity through the overbearing and overshadowing effect of the Leyland Cypress trees now exceeds any screening benefit. As noted above the separation distance between the Chadwick Mews properties and those on The Green is substantially in excess of the generally accepted minimum distance of 30 metres for three storey houses so the retention of the trees on the grounds of overlooking is not considered sustainable. While residents of The Green may value the screening effect of these trees no one has a right to a view and refusing the application on the grounds that people would be able to see houses on Chadwick Mews is also not considered reasonable.

9.16 It is therefore considered that the proposed removal of the Leyland Cypress trees would not result in any undue harm to the amenities of residents of The Green.

iv. Biodiversity Considerations

9.17 The replacement of the Leyland Cypress trees with a native species hedge would benefit the wildlife in the local area by creating a native hedgerow linking the existing woodland copse in the south through the existing trees and vegetation on the Chadwick Mews development to Bill Hill in the north.

9.18 Representations have been received that the trees are suitable for bat foraging and commuting habitat and their removal would be detrimental to wildlife. Reports have also been received of bats being observed in neighbouring gardens. The Council's Biodiversity consultant has advised that although it is unusual for bats to roost in Leylandii, which typically do not lend themselves to acting as a roost due to dense foliage, it only takes a crevice in a stem to be available and bats may take advantage if they are present in the surrounding area. A preliminary survey should therefore be carried out sufficient to confirm if

there are any potential bat roost features, and if so what biodiversity mitigation may be required. This should be carried out prior to determination. The applicant has been requested to submit a survey to this effect and, if this has not been received before Committee, it is recommended that Members resolve that the application be approved once a satisfactory bat survey has been submitted.

10. CONCLUSIONS

10.1 The principle of the development is not a matter for consideration as this application does not propose any additional development. The proposed removal of 39 Leyland Cypress trees would not result in an unacceptable impact on the character and appearance of the area, including the Easthampstead Conservation Area, or on residential amenity subject to suitable replacement planting being carried out. Impacts on biodiversity are not yet known and a bat survey is required before approval for the felling of these trees can be granted.

10.2 As such the development would not be contrary to BFBLP 'Saved' Policies EN1, EN2, and EN20, CSDPD Policies CS1 and CS7 or the NPPF.

11. RECOMMENDATION

That, subject to the receipt of a bat survey before determination, the application be APPROVED subject to the following conditions:-

1. Other than the 39 Leyland Cypress trees whose removal is hereby permitted, no other tree, hedgerow or group of shrubs shown to be retained on approved plans shall be cut down, uprooted or destroyed without prior written permission of the Local Planning Authority.

The 39 Leyland Cypress trees shall not be felled until details of replacement planting have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a 3 year post planting maintenance schedule.

The replacement planting shall be carried out and completed in full accordance with the approved details in the nearest planting season (1st October to 31st March inclusive) to the felling of the 39 Leyland Cypress trees.

All trees and other plants included within the approved details of replacement planting shall be healthy, well formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from their being planted, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

REASON: In the interests of good landscape design and the visual amenity of the area.
[Relevant Policies: BFBLP EN2 and EN20, CSDPD CS7]

2. No development shall take place until (i) a survey for the presence of bats of all trees at the site that are proposed to be felled has been carried out and submitted to the Local Planning Authority; and (ii) either the Local Planning Authority has agreed that no relocation of bats is necessary, or that the relocation of bats has been achieved in accordance with proposals previously submitted in writing to, and agreed by, the Local Planning Authority.

REASON: In the interests of nature conservation.
[Relevant Plans and Policies: BFBLP EN3, CSDPD CS1, CS7]

3. No tree felling shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a nesting bird check undertaken by a suitably qualified ecologist has confirmed that the area is clear of active nests and this has been agreed by the Local Planning Authority in writing.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: BFBLP EN3, CSDPD CS1, CS7]

Informative(s):

01. In relation to the planting details required to be submitted under condition 01, the applicant is advised that a mixed native species hedge with hawthorn as the main species with a varied mix of other native species making up the rest of the mix is considered to be the most appropriate form of replacement planting.
02. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk