

ITEM

Application Reference	DC/074720
Location:	4 Bramhall Park Road Bramhall Stockport SK7 3DQ
PROPOSAL:	Removal of 8 conifer trees and associated hedging. Replacement with gravel treatment to the surface.
Type Of Application:	Householder
Registration Date:	02.04.2020
Expiry Date:	28.05.2020 – Extension of time agreed to 07.07.2020
Case Officer:	James Appleton
Applicant:	Mr Brian Bagnall
Agent:	N/A

COMMITTEE STATUS

Bramhall and Cheadle Hulme South Area Committee. The applicant, Mr Brian Bagnall is an elected member of Stockport MBC for the Bramhall South & Woodford ward. Under Part 1 (2) of the Council's Schedule of Delegation Arrangements for Development and Related Matters. This application is therefore a matter to be determined by Planning and Highways Regulations Committee.

DESCRIPTION OF DEVELOPMENT

This application seeks planning permission for the removal of eight conifer trees and associated hedging including removal of the existing post & wire fence along the eastern side boundary with no.2 Bramhall Park Road.

The existing driveway will be extended by 0.7m in width with a maximum length of 9.2m. The proposed increase in driveway will be formed with gravel matching a similar appearance to the existing driveway.



The application property is located on Bramhall Park Road, Bramhall close to the junction of Bramhall Lane South within the Bramhall Park Conservation Area, the property is also covered by an article 4 (2) direction order.

The property is faced with white render and has a grey slate roof and white window frames and doors. There is a detached garage towards the rear of dwelling along the common boundary with no.2 Bramhall Park Road. There is an existing lawned area and driveway to the front.

The surrounding area is predominantly residential, consisting of mainly two storey detached housing from similar building periods on large plots. There is a variety of different additions and extensions within the streetscene and there are numerous varieties of exterior facing materials. The site is located in Flood Zone 1.

Since the original submission, amended plans have been received; these amendments were sought due to the impact of the proposal on the conservation area and impact on trees.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”) requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan includes-

- Policies set out in the Stockport Unitary Development Plan Review adopted 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; &
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document adopted 17th March 2011.

Saved policies of the SUDP Review

CDH 1.8: RESIDENTIAL EXTENSIONS states “extensions to residential properties are only permissible where they complement the existing dwelling in terms of design, scale and materials and do not adversely affect the character of the street scene.”

HC 1.3 ‘SPECIAL CONTROL OF DEVELOPMENT IN CONSERVATION AREAS’ provides the criteria for which development in Conservation Areas must be assessed against. The policy states that proposals within a Conservation Area will not be permitted unless the “siting, scale, design, materials and landscaping of the development are sympathetic to the site and surroundings”. Proposals which fail to preserve or enhance the character of the conservation area will not be permitted.

LDF Core Strategy/Development Management policies

H-1: DESIGN OF RESIDENTIAL DEVELOPMENT

CS8: SAFEGUARDING AND IMPROVING THE ENVIRONMENT

SIE-1: QUALITY PLACES

SIE-3: PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT

Policy SIE-1 recognises that specific regard should be had to the sites' context in relation to surrounding buildings and spaces.

Policy SIE-3 requires clear and convincing justification in support of loss or harm to the significance of a heritage asset (which includes conservation areas), through alteration, destruction or development within its setting.

Policy H-1 of the Core Strategy is also relevant stating that proposals should respond to the townscape and landscape character of the local area, reinforcing or creating local identity and distinctiveness in terms of layout, scale and appearance.

Supplementary Planning Guidance

Supplementary Planning Guidance does not form part of the Statutory Development Plan; nevertheless, it does provide non-statutory Council approved guidance that is a material consideration when determining planning applications.

'Extensions and Alterations to Dwellings' Supplementary Planning Document (adopted in February 2011) states that the issue of design is a highly important factor when the Council assessed proposals for extensions and alterations to a dwelling. The Council require all development to be designed to a high standard in order that it makes a positive contribution to the provision of an attractive built environment.

This does not mean that a new development has to exactly replicate the style and character of the existing building or its locality, but it should be harmonious with what is already there. The character of an area is reflected in the layout, massing, scale, height, style and materials of buildings and the spaces around them. Any extension or alteration to a property should:-

- Respect the form, shape, symmetry and proportions of the existing dwelling and compliment the character of the surrounding area (DESIGN)
- Generally appear subordinate in relation to the existing dwelling in terms of massing, scale and overall appearance (SCALE)
- Respect the architectural integrity of the existing dwelling. External materials and finishes should be durable and of good quality. They should be visually appropriate for their surroundings and sympathetic in terms of colour, texture and detail in relation to the existing dwelling (MATERIALS).

Special attention should be given to matters such as siting, scale, height, massing, detailed design and appropriate use of materials. The Council wishes to protect the boroughs buildings and residential areas from unsympathetic changes by ensuring that new extensions are designed in context with their surroundings.

The SPD also states that extensions should be designed to specifically preserve or enhance the character of the Conservation Area. All extensions should respect and complement the architectural and historic character of the original house. Special attention should be given to matters such as siting, scale, height, massing, detailed design and the appropriate use of materials. It will generally be necessary to use specialist building techniques, traditional materials and comparable architectural detailing which reflect the special quality of the building and surrounding area.

When the Council assesses a proposal for an extension or alteration to a dwelling, it needs to ensure that the proposal does not adversely affect the site's arrangements, that an adequate level of car parking will be provided for the dwelling, that the parking arrangements will prove safe and practical to use and that suitable facilities for the turning and manoeuvring of vehicles will be provided or retained. Many proposals also involve changes to a site's access arrangements, such as the widening of a driveway or the construction of a replacement access. If this is proposed, the Council will need to ensure that the revised access arrangements will also prove safe and practical.

When considering a proposal that affects a site's access arrangements, parking and turning facilities, the Council will take into account the nature of the road and the speed, volume and type of traffic using the road to which access will be gained from. The visual impact of creating vehicle hardstanding and altering frontages will also be given due consideration. Where necessary the Council will look to protect and retain existing frontages (e.g front walls / hedges) and front garden areas due to the contribution that they make to the character of an area

For any new or replacement driveway (or any area of hardstanding where planning permission is required) you should aim to use permeable or porous surfacing which allows water to seep through, such as gravel permeable concrete block paving or porous asphalt.

National Planning Policy Framework

A Revised National Planning Policy Framework (NPPF) issued by the Secretary of State for Housing, Communities and Local Government (MHCLG) on 19th February 2019 replaced the previous NPPF (originally issued 2012 & revised 2018). The NPPF has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

The NPPF representing the governments up-to-date planning policy which should be taken into account in dealing with applications focuses on achieving a lasting housing reform, facilitating the delivery of a greater number of homes, ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment. If decision takers choose not to follow the NPPF, then clear and convincing reasons for doing so are needed.

N.B. In respect of decision-taking the revised NPPF constitutes a "material consideration".

Para.1 "The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied".

Para.2 "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise".

Para.7 "The purpose of the planning system is to contribute to the achievement of sustainable development".

Para.8 *“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) an economic objective*
- b) a social objective*
- c) an environmental objective”*

Para.11 *“Plans and decisions should apply a presumption in favour of sustainable development.*

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

Para.12 *“.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Para.38 *“Local planning authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

Para.47 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing”.*

Para.124 *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

Para.130 *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area*

and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.

Para.153 states *“In determining planning applications, local planning authorities should expect new development to:*

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption”.

Para. 189 *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”*

Para. 190 *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Para. 192 *“In determining applications, local planning authorities should take account of:*

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Para. 193 *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Para. 194 “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

Para. 196 “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

Para. 197 “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Para. 202 “Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies

Para.213 “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

Under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990, in the exercise of functions under the Planning Acts local planning authorities are also required to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

Planning Practice Guidance

The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

Application Number(s)	Issues Raised	Date	Decision
DC/052677	Removal of 6 conifers and height reduction of 4 as detailed with Jim McGarrie of SMBC HAR/CA29	11.07.2013	Granted
DC/041421	Front garden crown reduce 1 laburnum and 1 sycamore, crown reduce line of conifers next to drive	17.03.2009	Granted

	and fell 4 conifers between No 4 & No 6. Rear garden crown reduce 4 conifers, fell diseased cherry and conifer.		
--	---	--	--

NEIGHBOUR'S VIEWS

The owners/occupiers of six surrounding properties were notified in writing of the application. As a result of the site being located within the Bramhall Park Conservation Area, a site notice was displayed in the area and a press notice advertised the proposed development and invited representations. The neighbour notification period expired on the 13th May 2020 and one representation was received which is referenced below:

- The 8 trees in question, which I believe are located between the east gatepost of the property and its garage, are not visible from my property and therefore would not have any visual impact on it.
- I therefore have no objection to their removal, depending upon the timing of such event.
- I am acutely conscious of the impact that the removal of any habitat has upon local wildlife, which is already under intense pressure.
- Over the time I have lived here, there has been a huge and well reported decline in birdlife in general, and garden birds in particular. There are a number of reasons, but loss of insect life - a crucial food source - is a major issue as is the loss of potential nesting sites.
- Despite the above problems and the almost total loss of local swallows and house martins, we continue to have several bird species breeding in the locality, and bats are frequently seen hawking around the local gardens. It may well be that local finches - bullfinches, greenfinches and goldfinches in particular, are using the conifers in question for nesting sites.
- I would therefore urge that no action is taken to remove the trees until the end of the current breeding season in the second half of July.

Following the submission of amended plans, the neighbouring properties were given the opportunity to comment on the amended proposals however no further comments have been submitted thus far – expiry date for comments is the 5th June 2020.

CONSULTEE RESPONSES

Conservation and Heritage Team – I can confirm that I am supportive of the omitting of the fence and retention of a soft boundary, so am happy with the changes. In terms of the gravel, I am not sure what is being considered but would ask that a neutral coloured natural aggregate is chosen, rather than something like golden gravel.

Arboriculture Officer - No objections subject to some type of replacement planting in the area of the previous conifers.

ANALYSIS

The site lies within the Bramhall Park Conservation Area as identified on the Proposals Map of the SUDP Review.

In assessment of the application, it is considered that the main issues of contention are the visual impact of the proposal in relation to the existing house, the character and appearance of the area, impact on the Bramhall Park Conservation area, the impact on trees and the potential harm to the amenity of the neighbouring properties.

The proposal seeks planning permission to remove eight conifer trees due to the depth and width of the hedge. This will allow the applicant to slightly increase the width of the drive into this area adjacent to the eastern side boundary shared with no.2 Bramhall Park Road by 0.5m. This will enable the applicant to be able to park a car down the side of the property and provide car access to the existing detached garage to the rear. The gravel will be of a similar style and colour to the existing driveway.

The scale, design and materials of construction are considered sympathetic to the existing dwelling and the wider Conservation Area, noting that a variety of boundary treatments exist in the immediate locality including hedging of a variety of heights and numerous driveway extensions.

Although visible from the streetscene and public vantage points, due to the small scale nature of the works it is considered that the proposal does not form an unduly prominent or incongruous feature within the streetscene. In addition the Conservation Officer has no objections to the proposal.

The removal of the conifers will leave some planting to the applicants' side and would leave the entirety of the tall planted hedge at the neighbouring property, therefore the visual aspect of a green boundary between the properties would remain. The applicant has stated that if any gaps remain following the removal of the conifers then they will be filled in with evergreen screening which would not be as wide as the conifers. The application will enhance the biodiversity of the site by virtue of replacement evergreen planting which is considered acceptable and supported by the Councils Arboriculture Officer. It is also noted that no tree removal works will take place during the bird breeding season of which will be conditioned if the application is approved. As such the proposed hardstanding works and the removal of the conifer hedging will not have a detrimental effect on the local environment or the character of the area.

Given the scope of the proposed works, it is not considered that there are any detrimental impacts on the amenity of local residents. The proposal would not cause any adverse impact in terms of highway / pedestrian safety as the new hardstanding area is set back by at least 3.6m from the front boundary.

Overall the proposal is in compliance with adopted planning policy and guidance. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. Paragraph 7 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and Paragraph 8 indicates that these should be sought jointly and simultaneously through the planning system.

The proposal amounts to Sustainable Development which accords with the prevailing policies of the Development Plan and NPPF. Other material

considerations such as the Extensions and Alterations to Dwellings SPD has also been considered and it is judged the proposal also complies with the content of these documents.

There are no outstanding issues of concern consequently it is recommended that permission be granted subject to appropriate planning conditions.

RECOMMENDATION Grant, subject to conditions.