

PLANNING COMMITTEE – 15 March 2018

REPORT OF THE OFFICERS

Background papers, if any, will be specified at the end of each item.

AGENDA ITEM No. 5

5 Tree Preservation Order No. 2 of 2017 - Land at 30 Sandelswood End, Knotty Green, Beaconsfield HP9 2AE

Contact Officer: Keith Musgrave (01494 732041)

- 5.1 The above Tree Preservation Order was made under delegated powers on 21 December 2017 in respect of a monkey puzzle tree marked T1 on the map attached as **Appendix 1**.
- 5.2 The Order was made because:
"The monkey puzzle is an important amenity tree that is prominent in the street scene and makes a significant contribution to the character of the area. It may now be at risk in connection with a proposal for a detached garage in front of the property."
- 5.3 A letter of objection, dated 30 January 2017, has been received from Mr Gareth Small and Mrs Sarah Small of 30 Sandelswood End. This is attached as **Appendix 2**.
- 5.4 Two letters of support have been received from neighbours and copies of these letters are attached as **Appendix 3**.
- 5.5 Planning permission CH/2016/0637/FA allowed a *"Part two storey part single storey side/rear extension first floor front extension increased ridge height , nine dormer windows to facilitate habitable accommodation in the roof space and front porch"* at 30 Sandelswood End. A subsequent planning permission, CH/2017/0696/FA allowed a *"Part two storey part single storey side rear extension, single storey front extension, first floor front extension, increased roof ridge height, with eight dormer windows to facilitate habitable accommodation in the roof space (amendment to planning permission CH/2016/0637/FA)"*. More recently CH/2017/1867/VRC granted consent for a variation of Conditions 4 and 5 of planning permission CH/2017/0696/FA to allow the proposed single garage to be converted to habitable accommodation.
- 5.6 At the same time as this last application, another proposal, CH/2017/1868/FA, was submitted for a single detached garage in the front garden of the property. Two letters of objection to this application referred to the loss of the monkey puzzle tree on the site of the proposed garage and one recommended the making of a Tree Preservation Order to protect the tree. The application was subsequently refused because of the siting of the garage, the loss of the tree, and the effect on the character and amenity of the area.
- 5.7 The monkey puzzle is a maturing tree about 10m in height growing in the corner of the front garden of the property in a prominent roadside position. It has dense branching and is in a reasonably healthy condition, although there is some minor die-back in some foliage. Monkey puzzle is not a common species but there are many specimens within the District.
- 5.8 The objection to the Tree Preservation Order refers to no previous Council mention of the monkey puzzle, concerns about the health of the tree, no other nearby monkey puzzle trees being protected and the effect of the Tree Preservation Order on a possible appeal.

- 5.9 Tree Preservation Orders are not made on every high quality tree in the District. An Order would not be necessary if a tree were under good management and it would not be appropriate if there was not a reasonable degree of public visibility of the tree concerned. A Tree Preservation Order is normally only made when a tree is considered to be at risk and this fact is brought to the Council's attention. This may be in connection with a planning application or it may be another issue that the Council has been informed about by a member of the public.
- 5.10 In this particular case, the previous planning applications at the property had not directly affected the monkey puzzle tree and so the potential loss of the tree had not been an issue in the assessment of these applications. The recent application for a garage (CH/2017/1868/FA) would have required the loss of the tree to allow the construction of the building and the Site Plan submitted as part of the application stated "*monkey puzzle to be felled*". As the tree has a high public amenity value, it was considered appropriate to protect it by a Tree Preservation Order.
- 5.11 The condition of the other trees, hedges or shrubs at the property is not relevant to the making of the Tree Preservation Order. However any new planting may require regular watering until it becomes properly established. Nonetheless, the monkey puzzle has a good upright shape with a single central stem. It has dense foliage that is well-balanced around the tree. There is some die-back on some of the foliage but there are no major dead branches. Some of the brown parts at the tips of the branches are female flowers rather than die-back. Consequently it is considered that the tree is in reasonable condition and if it is properly looked after it should continue to develop as an important amenity tree.
- 5.12 There may well be other monkey puzzle trees within Beaconsfield but that is not directly relevant to the suitability of this tree for protection by a Tree Preservation Order. Notwithstanding this point, these other trees have not been recently brought to the Council's attention as being important amenity trees that are at risk of being felled. Furthermore it is likely that many of these other monkey puzzle trees would be outside the jurisdiction of Chiltern District Council as the boundary of the district is less than 200m from 30 Sandelswood End.
- 5.13 The owners state that that they no longer intend to cut down the tree but are still considering the possibility of appealing the planning decision on the garage, even though, if this were allowed and implemented, it would require the loss of the tree. If this is true, it would seem to be more consistent to make a new application with the garage in a position that did not affect the monkey puzzle tree.
- 5.14 In summary, the monkey puzzle is an important amenity tree that makes a significant contribution to the character of the area. It appears to be in reasonable health and there do not appear to be any major problems with the Tree Preservation Order. Consequently I recommend that the Order should be confirmed without modification.

RECOMMENDATION

That the Tree Preservation Order No. 2 of 2017 made on 21 December 2017 be confirmed without modification.

Background papers:(None)

6 ITEMS FOR NOTING

6.1 NEW PLANNING AND ENFORCEMENT APPEALS

CH/2017/0171/FA – Demolition of three houses, a disused industrial building (Use Class B2) and 20 garages, removal of spoil and trees from the rear of the site. Redevelopment of the site to provide 45 residential dwellings (29 houses, six maisonettes and six flats) with associated landscaping, tree replacement, car parking and internal shared surface road. Change of use of the upper storeys of the Old Red Lion (62 High Street) from office to residential (4 x flats). Ground floor building line amendment to southern elevation of The Old Red Lion (700mm). Amendments to Forge Cottage on Missenden Mews to relocate the front door and parking space and provide private amenity space within the site, Land at the Rear of The Old Red Lion, High Street, **Great Missenden**

CH/2017/0224/EU - Application for a Certificate of Lawfulness of existing development relating to the use of land for private equestrian purposes comprising the keeping, schooling and riding of the applicants own private horses, Land Southeast of Huge Farm, Chesham Road, **Bellingdon**

CH/2017/0817/FA - Proposed erection of a four horse stable block with hay store and tack room, formation of a 50m x 25m manege, Land Southeast of Huge Farm, Chesham Road, **Bellingdon**

6.2 APPEAL DECISIONS

CH/2016/1762/OA - Outline application for demolition of all existing buildings on site and the erection of 7 dwellings (matters to be considered at this stage: access, scale and layout), Peterley Wood Farm, Peterley Lane, **Prestwood**
Officer Recommendation: Refuse Permission
Committee Decision: Refuse Permission
Appeal Decision: Appeal Dismissed (13.02.2018)

CH/2017/1113/FA - Redevelopment of plot to include replacement dwelling to front of site, erection of one detached house and a two apartment block to rear, construction of new access road and associated works, 20 Wheatley Way, **Chalfont St Peter**
Officer Recommendation: Refuse Permission
Committee Decision: Refuse Permission
Appeal Decision: Appeal Dismissed (07.02.2018)

6.3 NOT PROCEEDED WITH

CH/2018/0053/KA – Felling of a cherry tree within a Conservation Area, 150 High Street, **Amersham**

6.4 PERMISSION/PRIOR APPROVAL NOT REQUIRED

CH/2017/2306/PNO - Prior Notification under Class O of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 - Change of Use from office (Use Class B1(a)) to three residential units (Use Class C3), Second Floor, 31 St Peters Court, High Street, **Chalfont St Peter**

CH/2018/0034/PNE - Notification of proposed single storey rear extension; depth extending from the original rear wall of 4 metres, a maximum height of 3.75 metres and a maximum eaves height of 3 metres, 39 Briery Way, **Amersham**

6.5 WITHDRAWN APPLICATIONS

CH/2017/2083/FA - Change of use of site from agriculture to a scaffolding business, creation of covered storage areas to the north and south sides of existing building, erection of 3 metre high boundary fencing and new gates, Penny Acres, 100 Amersham Road, **Penn**

CH/2017/2127/FA - Siting of a log cabin for a temporary three year period, Field Acres Farm, Fullers Hill, **Chesham**

CH/2017/2223/FA - Demolition of existing detached bungalow, garage and shed, erection of two-storey dwelling including accommodation in roof, integral garage and associated hardstanding with new dropped kerb, 2 Gurnells Road, **Seer Green**

CH/2017/2305/FA – Part single, part two storey rear extension, 5 & 6 Penwood View, Penn Street, **Penn**

CH/2017/2338/FA - Relocation of the existing post box from outside 28 Bois Lane, Amersham, HP6 6BP, Adjacent to 5 Bois Lane and opposite 28-30 Bois Lane, **Chesham Bois**

CH/2018/0047/SA - Application for a Certificate of Lawfulness for a proposed operation relating to two side roof dormers to facilitate habitable accommodation in roof space, Hybert House, 8 Stanley Avenue, **Chesham**

6.6 INFORMATION REGARDING PLANNING APPLICATIONS TO BE DETERMINED

Appended for your consideration are lists of applications submitted under the Town and Country Planning Act, 1990, and the Planning [Listed Buildings and Conservation Areas] Act, 1990, together with a recommendation from the Head of Planning Services. The forms, plans, supporting documents and letters of representation relating to each application are available for inspection on Public Access on the Councils Website.

Background papers for each of these planning applications, unless otherwise stated, are the application form and related letters, statements and drawings, notices, papers, consultations, and any written representations and comments received.

Reports may be updated at the meeting if appropriate, for example, where responses from consultees or further letters of representation are received.

REPORTS ON MAIN LIST OF APPLICATIONS

AGENDA ITEM No. 7

EXCLUSION OF THE PUBLIC

AGENDA ITEM No. 8

That under Section 100(A)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting of the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act
