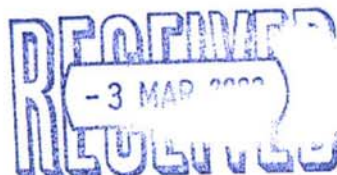


Mr J Swindells
The Old Vicarage
Marsh Lane
New Mills
High Peak
SK22 4PN



Our Ref: CW/5588-L1

27 February 2008

Dear Mr Swindells

LAND TO THE REAR OF 11-13 MARSH LANE, NEW MILLS

Further to our recent site meeting, I carried out an assessment of the horse chestnut tree broadly in line with the guidance of British Standard 5837:2005 Trees in Relation to Construction – Recommendations (BS5837). The approximate position of the tree is located on the enclosed Sketch Site Plan, which is based on the untitled A4 drawing extract supplied by Winston Parr. For the purpose of my assessment, I have assumed that the drawing is at 1:500 scale.

I have plotted a Root Protection Radius (BS5837) measured from the centre of the tree stem. The Root Protection Radius is used to calculate an area of ground (Root Protection Area - RPA) that should be protected during development to avoid damage to the roots or rooting environment of retained trees.

Data collected on site are set out in the enclosed Tree Survey Schedule and should be read in conjunction with the enclosed Glossary of Terms. I set out my observations and recommendations below.

Development proposal

Renovation of 11 and 13 Marsh Lane is ongoing. Conversion of the adjacent barn and development of land to the rear of the properties for residential use is also proposed.

Statutory Controls and Planning Policy

Trees on site are the subject of High Peak Tree Preservation Order (TPO), HPTPO 63 - Marsh Lane New Mills, 1990. The property does not stand within a Conservation Area.

In terms of impact on trees, planning applications on the site will be assessed against policy OC10 of the High Peak Local Plan (March 2005), and the Council's Supplementary Planning

Guidance 'Protection of Trees on Development Sites', which are available on the Council's website.

We have not been made aware of any extant planning permissions affecting trees on the site. Further investigation will be needed if more detail is required in this regard.

The Wildlife and Countryside Act 1981 (together with the amendments of 1985 & 1991, with subsequent variations to the schedule orders, and strengthening amendments made within the Countryside and Rights of Way Act 2000) forms the basis for legislation protecting Britain's flora and fauna. With regard to any works affecting trees, it is important to be aware that all nesting birds and all species of bat are afforded statutory protection; it is an offence to: -

- intentionally kill, injure or take a bat
- sell, hire, barter or exchange a bat, dead or alive
- be in possession or control of a bat or anything derived from them
- disturb a nesting bird

A brief assessment for obvious signs of wildlife habitat in the surveyed tree was carried out during our survey. No protected or exceptional habitats were identified and details were not recorded. However, trees of most species can provide valuable nesting sites for a wide range of birds and it is likely that nesting birds will be present on the site during the period March to September. We have not been made aware of the presence of roosting bats and have not identified any obvious signs of roost sites, however this does not mean that roost sites are absent.

BS 5837 Retention value

BS 5837 recommends that trees be evaluated and categorised according to their Retention Value. I have assessed the tree for visual prominence and Retention Value in the context of the current land use. Our methodology for this assessment is enclosed.

I have identified the horse chestnut tree as falling within the low value retention category C. Table 1 of BS 5837 states that '*C category trees will usually not be retained where they would impose a significant constraint on development.*'

Assessment of the development proposal

Renovation of the existing dwelling (11/13 Marsh Lane) should not in itself have any significant impact on the tree, provided that adequate precautions are taken during site construction works to avoid disturbance within the tree's RPA. This would normally be achieved by the erection of Temporary Protective Fencing (BS5837), perhaps using 'Heras' fence panels fixed to a timber framework to enclose the RPA.

It should be noted however, that the tree, if retained, will undoubtedly have a significant impact on residential amenities to the dwelling (particularly in terms of light attenuation to habitable room windows on the northern elevation) and I acknowledge your suggestion that you might wish to seek the Council's consent to fell the tree before submitting a planning application for the wider site. In my opinion, removal of the tree would have only a minor impact on amenity and it should be possible to put forward a reasonably strong justification

for removal, irrespective of the proposed planning application for the wider site, particularly if you were willing to provide a suitable in-situ replacement tree (perhaps silver birch *Betula pendula*). If you decide to proceed in this regard, I suggest it would be appropriate for us to open a dialogue with the Council's Tree Officer, prior to submitting an application for consent to fell under the TPO.

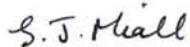
Proposed residential development. The proposed access road, at the point where it passes between 11/13 Marsh Lane and the barn, extends into the RPA of the tree by up to 3.5 metres. If constructed to an adoptable standard (which I assume is the case), it would not be possible to assure long-term retention of the tree as part of the planning application. As discussed above, T1 has moderately low visual prominence and falls within the low value retention category C and its loss would have only a minor impact on amenity, which could easily be mitigated by new landscaping. I do not foresee any major difficulties therefore in securing removal of the tree as part of a planning application for the wider site; although, as suggested above, it would probably be appropriate for us to open a dialogue with the Council's Tree Officer as part of pre-application negotiations.

Conclusions

In my opinion, removal of the tree would have only a minor impact on amenity that could be mitigated by new planting, either as part of a planning application for the wider site or as part of a separate application to fell under the TPO. In both cases, it would be appropriate to discuss beforehand the principle of removing the tree and hopefully agreeing suitable mitigation.

I trust the above is sufficient to enable you to progress the matter. Should you have any further queries or require any clarification in the meantime do not hesitate to contact me.

Yours sincerely



pf Glyn Thomas

Cheshire Woodlands

cc: Winston Parr, Parr Associates

Enclosures: Tree Survey Schedule CW/5588/SS

Sketch Site Plan CW/5588-P1

Glossary of Terms

Methodology for the Assessment of Retention Values and Assessment of Visual Prominence

References: BS 5837, (2005). Trees in Relation to Construction - Recommendations. British Standards Institute, London. pp32.

TREE SURVEY SCHEDULE

PROJECT: LAND TO THE REAR OF 11-13 MARSH LANE, NEW MILLS
 CLIENT: JOHN W SWINDELLS LTD
 REF: CW/5588-SS
 DATE: 7/2/2008

SURVEYED BY: G THOMAS
 CHESHIRE WOODLANDS
 PAGE: 1

No.	Species	Age Range	Height (m)	Crown Spread (m)	Stem Dia. (mm)	Vitality	Comments	Management	Visual prominence	Retention Value Existing	Retention Value Proposed	BS5837 RPA Radius (m)
T1	Horse chestnut (<i>Aesculus hippocastanum</i>)	M	11.5	12	810 (OVER BURRS) (AT 1.0M)	P	<ul style="list-style-type: none">Located on raised ground, retained on the west side by a 1.0 metre high, partially derelict stone wallCracking and displacement of the wall noted adjacent to the base of the stemLocated at 6.2 metres from the side elevation of an adjacent dwelling (which is in the process of being renovated) with branches on the south side slightly overhanging the roof. Presents a rather poor relationship with the dwellingModerate growth of basal and epicormic shootsWeeping lesions of Horse Chestnut Bleeding Canker to the lower stemMultiple burrs to the stem, primary and lateral branches, which appear to be associated with bud proliferationsBark dieback, cambial necrosis and decay associated with several of the larger burrs on the lower stemMain stem bifurcates at a height of 4.0 metres with no visible signs of substantial defectCrown slightly biased to the southTree expresses a significant reduction in vitality, with reduced vigour throughout the crown, which appears to be associated with the bud proliferations/burrs	<ul style="list-style-type: none">Monitor development of the Bleeding Canker infectionMonitor decaying burrs to the stemMonitor crown for signs of deterioration	2	C	9.7	

All trees should be re-inspected annually to assess their mechanical integrity unless otherwise stated in the schedule

HEADINGS & ABBREVIATIONS

Age Range: Y = Young, SM = Semi mature, EM = Early mature, M = Mature, PM = Post Mature.
 Stem Dia. Stem diameter (measured at a height of approximately 1.5 metres) MS = multi-stemmed
 Crown Spread: Maximum crown diameter
 Vitality: D = Dead, MD = Moribund, P = Poor, M = Moderate, G = Good
 Visual prominence: Broad indication of contribution to the landscape. 0 = none, 1=very low up to 5 =very high, G= contribution to a wider group. Values take into consideration the potential contribution to the landscape. Our assessment of public visibility is influenced by safe life expectancy of the tree or group
 Retention Value Existing: Broadly in line with BS5837 (2005) Table 1. Our valuation considers the merits of the tree or group in the context of the existing land-use
 Retention Value Proposed: Broadly in line with BS5837 (2005) chapter Table 1. Our valuation considers the merits of the tree or group in the context of a development proposal. R = Remove
 BS5837 RPA Radius: Radius from the centre of the stem to the line of tree protection as set out in Table 2 of the Standard

Guidance Note - Assessment of Retention Values and Assessment of Visual Prominence

Retention Values. Trees or groups of trees are evaluated twice in order to facilitate consideration of their relative merits. Firstly, the trees are assessed and categorised in the context of the pre-development situation to provide a broad valuation of all of their attributes and the contribution to their environs. Secondly, the trees are similarly assessed and categorised in the context of a development proposal. The evaluations consider actual or projected: -

- life expectancy
- current and potential visual prominence
- contribution to the wider landscape
- numbers of other trees and their maturity (continuity for landscape, amenity, habitat)
- wildlife habitats (incl. continuity)
- safety
- conflicts with the built environment or other land use
- cultural, historical or other special value

Groups of trees are assessed and categorised as a single unit.

Pre-Development Retention Value. Each surveyed tree or group of trees is valued and placed into one of the following categories (A, B, C or R). The valuation considers the benefits and disbenefits of retaining the tree or group of trees in the pre-development context; any specific issues are noted in the tree survey schedule.

- (A) Trees the retention of which in the pre-development context is most desirable (high value category)
 - wholly appropriate to the pre-development situation and without being in significant conflict
- (B) Trees the retention of which in the pre-development context is desirable (moderate value category)
 - appropriate to the pre-development situation but not of highest value
- (C) Trees that could be retained in the pre-development context (low value category)
 - ill suited to the pre-development situation but could be retained with moderate conflicts
 - trees of no particular merit
- (R) Trees unsuitable for retention in the pre-development context
 - cannot reasonably be retained within the pre-development situation

Post-Development Retention Value. With reference to a development proposal, each of the trees or groups of trees is placed in one of the following categories (A, B, C or R). The valuation considers the benefits and disbenefits of retaining the tree or group of trees in the context of the development proposal; any specific issues are noted in the tree survey schedule.

- (A) Trees the retention of which is most desirable (high value category)
 - retention wholly appropriate to the proposed situation and without significant conflict
- (B) Trees the retention of which is desirable (moderate category)
 - retention appropriate to the proposed situation but not of highest value and/or having only minor conflicts
- (C) Trees which could be retained (low value category)
 - retention ill suited to the proposed situation but could be retained with moderate conflicts
 - trees of no particular merit in the proposed situation
- (R) Trees for removal:
 - cannot reasonably be retained within the proposed situation

Visual Prominence Values. Determined by assessment of current and potential public visual prominence and taking account of location, tree size and growth potential. An appropriately sited young tree with potential for substantial future growth can be classed as moderately valuable even though it is not particularly prominent at the time of the assessment. However, a young tree cannot equal the value of the most valuable mature tree because a high proportion of trees do not attain maturity. On the other hand a prominent tree with significantly reduced life expectancy might be downgraded accordingly. Visual prominence values are classified as follows:

(0) none, (1) very low up to (5) very high