Report of the meeting of the Development Control Post-Committee Site Inspection Panel held on 08-DEC-2009

REF NO: **AW/160/09/T**

LOCATION: Sea Crest
The Close
Aldwick Bay Estate

PROPOSAL: Fell 1 Holm Oak

Present: Councillors Haymes (Chairman), R. Bower, Evans, Mrs. Goad, Mrs. Hall & Mrs. E. Stainton

Councillor J. Maconachie was present but did not vote.

Apologies for absence: Councillors Butler, Oliver-Redgate and Mrs. Harrison

The Site Inspection Panel assessed the planning merits of the site in detail. The Planning Officer highlighted the Council's Arboricultural Officer's comments for retention of the tree and the applicant's Arboriculturist Report that recommended the felling of the tree. After detailed inspection of the tree with the Council's Arboricultural Officer within the garden of Sea Crest and viewing of the tree and the surrounding area from the beach. After careful consideration, the members considered that the tree was worthy of retention on grounds of public amenity.

RECOMEMND

that consent to fell the Holm Oak be refused as set out in the attached report.

REPORT UPDATE

Application No: AW/160/09/T

Reason for the Update / Changes

Reason for Update/Changes:

1) A letter of support have been received from the applicants,confirming that the Aldwick Bay Estate company support the application. They have written to Mr Everson and have stated that the tree is in poor condition with a large area of deadwood. It is situated at the seaward end of the garden and looks unsightly when viewed from the beach and very unsightly when viewed form the garden. The removal of the tree will improve the skyline and would remove what could become a danger. The removal of the tree will have no adverse effect on neighbouring properties or the visual appearance of the close.

2) A letter of support has been received from the applicants' Arboriculturist, stating that the specimen is not worthy of retention and that the adjacent Holm Oak is an appropriate specimen to TPO. The Holm Oak has little amenity value and does not have a significant impact to the area. The specimen has a poor form, structure and has crown damage on side. There is concern of safety of this tree is retained as it is on a mound of unstable sand bank.

3) An additional copy of the tree report submitted with the application has been received, which is attached to the update sheet.

Officers Comment:
Noted. The issues regarding the amenity value of the tree are considered to have been addressed in the Officer's report. Furthermore, it should be noted that the Independent Arboriculturists employed by the Council to survey the trees within the Aldwick area also highlighted the tree as one to be worthy of a Preservation Order.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

AW/160/09/T

TREE WORKS CONSENT REPORT

REF NO: **AW/160/09/T**

LOCATION: Sea Crest
The Close
Aldwick Bay Estate

PROPOSAL: Fell 1 Holm Oak

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above

N/A

SITE AREA	
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat, with the exception of a raised bank to the rear of the site.
TREES	One no. Holm Oak tree.
BOUNDARY TREATMENT	There is a dwarf brick wall to the rear, whilst the front boundary is formed of mature leylandii hedging with large iron gates at the entrance to the site.
SITE CHARACTERISTICS	The site is a large two storey detached dwelling set in relatively spacious grounds, with brick elevations and a tiled roof.
CHARACTER OF LOCALITY	The site is located in a small residential close within the Aldwick Bay Conservation Area. The properties within the locality are large detached dwellings set in spacious plots. The foreshore lies immediately to the south of the site.

RELEVANT SITE HISTORY

AW/62/09/TC	Application to fell 6 x Holm Oak & 1 x Bay Tree & replace with a Yew (Taxus) hedge (Within the Aldwick Bay Conservation Area (extended))	Objection 02-06-2009
AW/97/09/	Detached garage and swimming pool.	Refused 20-08-2009
AW/197/09/	Garage extension to the existing property with rooms above. Re-submission of application ref: AW/97/09	Approve Cond 09-12-2009

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No Objection. Members voted 4 votes in favour of supporting this application, with 3 votes against.

Comments on Representations received:

Noted.

CONSULTATIONS

Horticulturist

Consultations responses received:

District Arboriculturist:

The Arboricultural report submitted with the application suggests that the Holm Oak tree which

has recently been placed under a TPO, be felled, and the TPO transferred to another tree which is in the vicinity, and of the same species.

The Holm Oak which is the subject of an existing TPO continues to be a reasonable specimen, which has adapted itself to the very hostile climate it is situated in, being very close to a highly windswept coastal environment.

It is a remarkably well grown crown, which has one sided appearance common to trees which are growing in this type of environment. The main trunk structure is multistemmed, and this again is common in this type of location, and there is some dead wood in the crown some of which has been caused by heat generated from a bonfire, though this will grow back in time. The tree is of amenity value, it being in a prominent position close to an albeit semi-private beach area.

In a recent survey of the trees in the Aldwick area, (not yet published) this Holm Oak has been noted down for retention , and you will doubtless recall my comments about this tree in planning application AW/62/09/TC.

With regard to the other tree, this is a young specimen self sown seedling approximately 7-10 years
of age, and it will eventually grow into a decent tree. However, it is situated close to a boundary fence and in that respect could be a problem in terms of overhang of the neighbours property, and damage to any boundary structure.

Conservation Area Advisory Committee:
No Comment. Refer to Arboriculturist.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area
Within the Aldwick Bay Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:
"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application seeks to fell one Holm Oak tree, at 'Sea Crest', The Close.

The tree is located on a raised bank behind a dwarf brick wall on the rear boundary, adjacent to the foreshore. The tree therefore is highly visible from public view and as such is deemed to be of significant amenity value.

Furthermore, the tree is considered to make a positive contribution to the character and appearance of the Aldwick Bay Conservation Area, which is defined as having a lush green appearance and intensively landscaped gardens and verges in the Councils Supplementary Planning Guidance.

The District Arboriculturist has inspected the tree and has advised that the Holm Oak is a reasonable specimen, which has adapted itself to the very hostile climate it is situated in, being very close to a highly windswept coastal environment. It is a remarkably well grown crown, which has one sided appearance common to trees which are growing in this type of environment. The main trunk structure is multistemmed, and this again is common in this type of location, and there is some dead wood in the crown some of which has been caused by heat generated from a bonfire, though this will grow back in time. The tree is of amenity value, it being in a prominent position close to an albeit semi-private beach area.

It is noted that the arboricultural report submitted with the application suggests that the TPO be transferred to another Holm Oak tree within the site. This is not legally possible; Tree Presrvation Orders cannot be moved from one tree to another, rather a new separate TPO would have to be created. Furthermore, due to its immaturity and location, the tree suggested is not considered to be worthy of a Tree Preservation Order.

It is therefore considered that the felling of the Holm Oak tree would have a materially adverse impact on the visual amenities of the locality, and that the application be refused for the following reason:

RECOMMENDATION

REFUSE

1 (a) There is no arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality in conflict with policies AREA2 and GEN7 of the Arun District Local Plan.

(b) The tree makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality in conflict with policies AREA2 and GEN7 of the Arun District Local Plan.