

Planning Officer: Simon Davis

Planning Application Ref: EG/10/18/DOC

Location: 59 Elm Grove, Barnham

Description of works: Application for Discharge of Condition 7 (EG/41/17/PL)

Comments on Application:

Condition 7 – ‘No development including construction activities shall take place unless and until all of the existing trees/hedges to be retained on the site have been protected in accordance with the submitted Tree Retention and Protection Plan dwg.LLD789/02 Rev 00.

Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority.

The fencing and ground protection must then be retained for the duration of the development works. Following the erection of the ground protection measures, the Councils Arboriculturist must be contacted in order that a site visit can be made to check the position of the protective fencing/ground protection measures.’

The following is a list of omissions, alterations and incomplete actions, observed at the time of my inspection and with direct reference to the aforementioned Tree Retention and Protection Plan provided by Lizard Landscape Design. I attach photographs taken at the time of my inspection.

• Construction of the main buildings is advanced. Their footprint is surrounded with scaffolding on all sides and second storey brick/blockwork is well underway.

• Tree nos T01, T03 and T08 and mixed species hedgerow around the site entrance have been removed, despite their being identified for retention. Numerous other trees previously identified for removal have been so, thus there is no significant vegetation around this section of the site frontage. This now negates any requirement for the proposed ‘No dig’ construction North of T1 and installation of Tree Protective Fencing (TPF) around the Root Protection Area (RPA) of T08 as detailed on the plan (figs.1 & 2).

• TPF is incomplete from the West corner of the existing dwelling and so does not form the required Construction Exclusion Zone (CEZ) around Yew tree T06 (fig.1).

• **ALL** the TPF on site does not meet their own stated standard and falls short of the requirements in BS5837. The HERAS panels while clamped together are sat in movable block trays. There are no stabilizing struts or ground penetration of uprights therefore the whole structure can be moved around as it suits and offers little if any resistance to an impact (figs 3 & 4). There is adequate room and surface type to allow for a secure installation, as described.

• TPF around T25 does not abut the dwelling and therefore does not provide the expected CEZ. There has been mechanical intrusion into the RPA involving deep excavation with associated loss of tree roots, thus negating any requirement for the proposed ‘No dig’ construction to its North aspect (figs.1 & 5).

• TPF around T24 is incomplete and does not provide the necessary CEZ (fig.6).

• The garden area surrounding original dwelling (occupied) has been secured with 6’ high close-board wood fencing, which effectively prevents further interference with this property’s trees (T06, T24 and T25).

• All tree protective fencing (HERAS panels) has been taken down and soft landscaping work (turf-laying and irrigation) / (removal of large soil bund and recovery of original ground level) undertaken.

Conclusions:

- A number of trees scheduled for retention have been removed, leading to a much denuded front aspect.
- Tree Protective Fencing throughout the site is not 'fit for purpose' and so does not provide the necessary level of protection for retained trees.
- The developer has failed to meet any of their obligations in respect of tree protection as detailed in the condition.
- The newly installed garden fence around existing dwelling should prevent any further interference with those trees within its curtilage, although damage has been sustained to the root system of T25 as described previously.
- At this late stage in the development and acknowledging the relatively low amenity value of T25 I would not ask for any remedial measures to assist this tree's recovery. The damage has been done and it is possible the tree will tolerate that; although undoubtedly its ongoing health and vitality has been compromised.
- Tree group at the rear of the buildings under construction should now be free from further interference, as soft-landscaping work within their RPA has been undertaken.
- No further damage appears to have occurred to significant trees on site since my original inspection.
- At this stage of the development together with the garden fence installation / soft landscaping work undertaken; should be adequate to maintain this state.

Recommendations:

- The developer must now install permanent fencing in accordance with their landscape design plan and as a matter of urgency; to form an effective Construction Exclusion Zone so as to adequately respect and protect significant trees on site before further damage can occur.
- I leave it with you to decide whether to pursue a breach of condition, based on my original findings. Alternatively, you may see fit to discharge this condition as we are at a stage where further damage (although possible) is unlikely to occur and there is little value in asking for expensive and time-consuming remedial measures in respect of T25.

Mark Warwick

Tree Officer / Parks and Greenspace Team



Fig.1 – View NE across site entrance



Fig.2 – View N across site entrance towards TPF intended for T08 (removed).

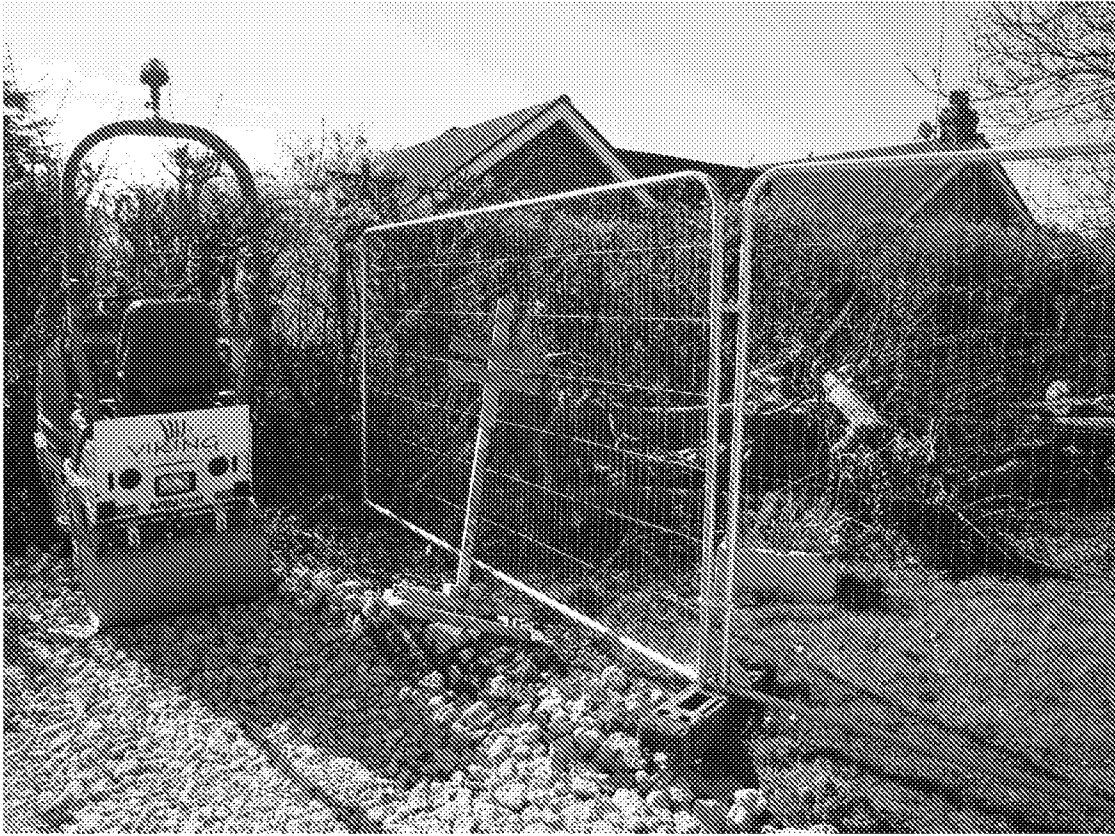


Fig.3 – TPF typical site standard. North of T24



Fig.4 - TPF typical site standard. NE corner of site.



Fig.5 – Excavation continues alongside T25.



Fig.6 – Looking back towards dwelling from top of soil bund at East end of site.