

**Planning Officer:** Juan Baeza (formerly by David Easton)

**Planning Application Ref:** WA/84/16/PL (3) – revised comments added in red (reviewed 6<sup>th</sup> March 2017).

Now WA/34/17/PL (4) – revised comments added in blue (reviewed 2<sup>nd</sup> August 2017)

Now WA/34/17/PL (5) – revised frontage layout – comments in green

Now WA/78/17/DOC - Arun DC granted approval for the scheme without revision to 34/17/PL

**Location:** The Red Cottage, The Street, Walberton

**Description of works:** Construction of a two storey house in the front garden of Red Cottage – revised frontage layout

**Comments On Application:**

- The applicants have employed **Middlemarch Environmental Ltd** to prepare a Tree Survey & Root Constraints report with a Tree Constraints Plan and an Arboricultural Impact Assessment Report complete with Tree Protection Plan – all of which is required by BS5837:2012 in support of an application where trees are within influencing distance of proposals. In this instance there is a TPO'd Turkey Oak at the rear of the property and also another significant mature Pedunculate Oak tree on the road frontage within the Conservation Area – all other surveyed trees are also within the Conservation Area.
- The tree survey work accords with BS5837 and I agree that both Oak trees merit an A (high) grading.
- Whilst I have not had an opportunity to measure tree diameters for myself I can confirm that the calculation of the RPA for the diameter of tree that they record is correct. On the occasion of my site visit with Mr Bartolini I was able to confirm that the measurements were accurate.
- The application lists the need to remove 1 No Apple; 1 No Holly; 1 No mixed Group and 2 No Privet hedges – none of which causes me any concern.
- The report lists that it may prove necessary to crown lift the Pedunculate Oak and the Turkey Oak – we would need to see a separate application coming in for both - under the TPO for one and also a CA notification for the other **IF** the development is likely to get approval then I would not see any major problem with this request – **However IF** the development does not get the go ahead then there would be no justification for the crown lifting works so we would not assess this prior to the development application being determined. **Comments sustained.**
- There is currently no Method Statement submitted in support of this scheme which given the location within the RPA of mature Oaks and the close physical proximity to same would I assess be an essential requirement here and not be left to be the subject of a Condition to be supplied after the determination of the application. **An Arb Method Statement (AMS) report & Tree Protection Plan (TPP) has now been submitted for my review and comment.**
- BS5837 is quite clear in its recommendations that wherever possible the Architects should design out any areas of conflict with existing mature trees and yet this seeks to place a new dwelling and 'target' under the canopies of mature trees with all the shading and 'aphid drip' and branch drop issues that may ensue from Oaks. I am not comfortable with this arrangement as the useable garden area to this plot will be completely covered by the tree canopy making it very difficult to establish plants and grass and position an effective washing line. Added to which there will no doubt be outdoor hard surfacing required in terms of patios and paths and possibly even an added Conservatory - none of which is shown on the current proposals. **These points remain at issue and have been confirmed by the addition of a patio on the latest layout plan. Comments sustained.**
- To place a new dwelling so close to mature trees is bound to bring pressure to bear to 'prune or fell' these trees – particularly as the owner has already submitted an application seeking the pruning of the Turkey Oak because of its proximity and issues with the neighbours house under its canopy spread. **The current AMS includes a Tree Work Schedule which lists the need to trim back the lateral canopy spread of both T2 Pedunculate Oak and T4 Turkey Oak by 2m with the justification that it is needed 'to permit access to the site' – thus confirming my point regarding the**

‘pressure to prune or fell’. If this house was built as shown I would anticipate further applications to heavily prune back or possibly even fell these trees – this would then be almost impossible to resist [given that it would almost certainly be lost on Appeal] if planning approval had been granted to construct in the first instance even if both tree are TPO’d.

**Comments sustained.**

- In the absence of a Method Statement we have no idea how they would propose to deal with foundations given that there is an overlap of each trees RPA and thus mitigation measures will be required and whilst possible piling options have been hinted at we have nothing submitted that confirms what type of footing they propose to use and more importantly how they intend to construct it. The AMS specifies the use of above ground formed piles and includes a typical example of same provided by Haworth McCall although this has not been provided for my review and does not appear on the website. Accept it can be achieved but have yet to see the detailed Engineers drawings for this.
- At my site meeting with Mr Bartolini on 8<sup>th</sup> February a further point of issue came up that has yet to be satisfactorily resolved namely the footpath route from the front door to the pavement outside and also the hard standing in front of the double garage. This has been moved over slightly but is still overlapped by the frontage Oaks RPA. It would involve the removal of a large section of a ‘Listed Wall’ to facilitate this and I am not convinced that a ‘No Dig’ solution can be applied here given the steep slope and differences in levels from that at the front door to that at pavement level.

It is for others to comment on the loss of a section of listed wall but the air spade investigations have removed any arboricultural opposition to the laying of a drive and footpath.

- The applicants have submitted a statement regarding drainage that says the soakaways can be located outside TPO tree RPA’s and that the foul can be discharged via a manhole in the neighbours driveway and thus out to the road. This removes any arb objection to same.

## Conclusions:

- I do not believe that there is room to accommodate a dwelling within such close proximity to the two Oaks without placing undue pressure on them for ‘pruning or felling’ in the future.
- Thus I perceive a threat to their future at this location which will undermine their value in the Conservation Area and whilst the Turkey Oak is covered by a TPO I would recommend that the Pedunculate Oak is now under threat and should also be made the subject of a TPO (see attached TEMPO form). Pedunculate Oak is now TPO’d but this will have no bearing if permission is granted for a dwelling at this location – see comments above on undermining resistance to future applications to prune or fell.
- I have now been convinced by the AMS & TP Plan and other submitted data BUT still do not believe that there is room to accommodate a dwelling within such close proximity to the two Oaks without placing undue pressure on them for ‘pruning or felling’ in the future.
- I sustain all of my comments made previously especially those in blue – I found the previous frontage layout 16035-P-100-Rev B to be just about acceptable BUT this new layout 16035-P-Rev C will have a significant detrimental impact to the vigour and vitality of the TPO’d Oak at the front of the property and I would wish to see cross section drawings and methodology to explain how they see this being installed without damaging tree roots.
- I sustain all of my comments made previously.

## Recommendations:

- As things stand I would have to register a strong **OBJECTION** to this scheme on the grounds that it threatens the ongoing health and vitality of a TPO’d tree and also a valued tree that contributes significantly to the Conservation Area.
- The applicants should as a basic requirement be requested to commit to a foundation design and submit a supporting Arboricultural Method Statement prepared by their Arboricultural Consultant.
- As things stand I would have to sustain my **OBJECTION** to the proposals for the following reasons:-
  1. Whilst I accept that with the use of above ground formed caps and augered or screw piled foundations supporting above ground ring beams and a suspended floor it would be possible to construct this dwelling in the positions shown on the layout plans I do not believe that there is room to accommodate such a

dwelling within such close proximity to the two Oaks without placing undue pressure on them for 'pruning or felling' in the future.

2. I remain to be convinced that access can be provided for a footpath link to the pavement and hard surfacing for car parking and turning head in front of the garages without excavation given the steep slope and differences in levels from inside the site to street level – under these circumstances I believe that significant root damage would be incurred to the detriment of the ongoing vigour and vitality of the frontage Oak. I suggest that cross section drawings are prepared through the footpath route and also through the hard standing/garages to show the existing and proposed levels and for the applicant to prove that this can be resolved without detriment to the tree. **Issue resolved. This issue is now back to a situation where I believe significant root damage will be caused to the TPO'd Oak and I therefore OBJECT to the new layout.**
- Given the complexities of developing this site I would wish to have all outstanding arboricultural matters resolved to my complete satisfaction up front and not left to Conditions for fear that in the event that they cannot then be proven to work we would be held hostage to the approval. **Issue resolved.**
- Despite my objections regarding the high risk of damage to a magnificent TPO'd Oak this scheme was granted approval – I cannot therefore now agree to discharge the Conditions that have been applied.
- My advice to the Planners as a Consultee is that as a very minimum requirement they now insist that the development is undertaken in strict accordance with the AMS report and Tree Protection Plan provided by the applicants Arboricultural Consultants.

*Bernie Harverson*

Consultant Arboriculturist