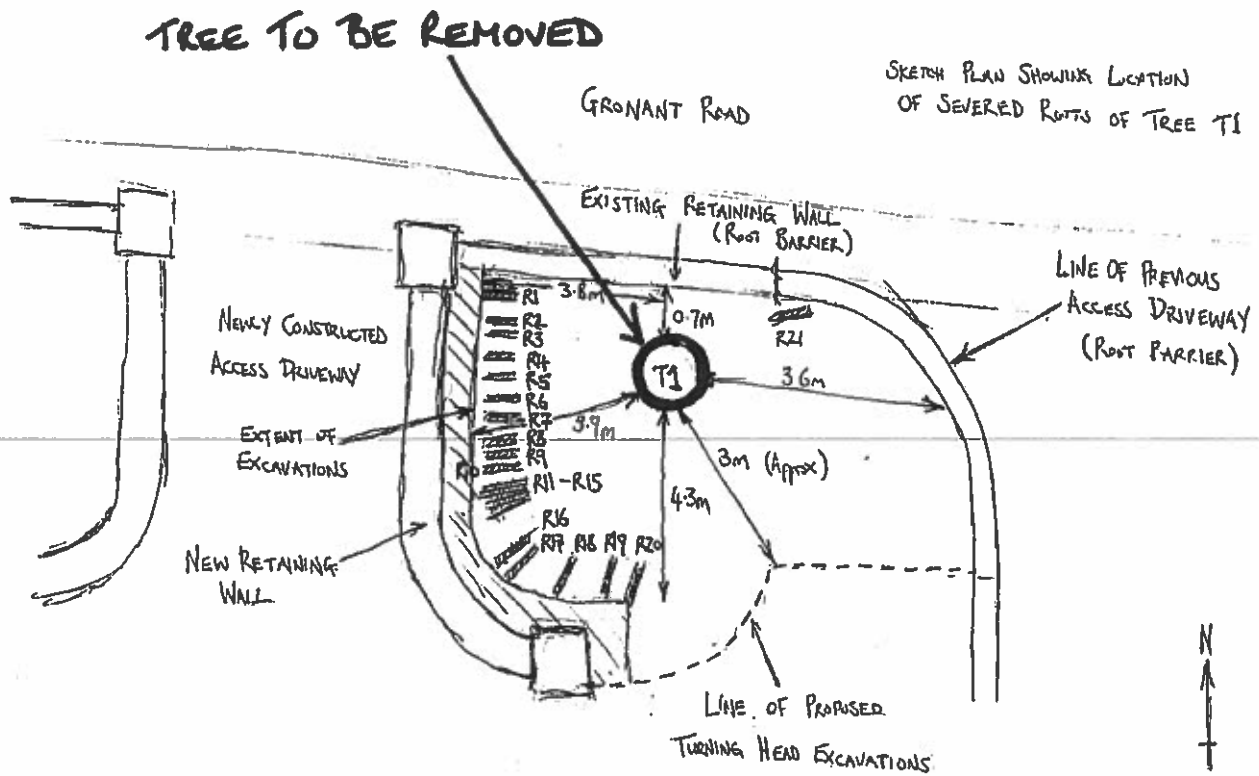


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43/2015/1120
 Scale: 1:1250
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Denbighshire Boundary

Appendix 1 – Sketch site plan showing location of severed roots



* N.B. ROOT PROTECTION AREA OF TREE T1 HAS A RADIUS OF 11.52m

* DRAWING IS NOT TO SCALE

WARD : Prestatyn East

WARD MEMBER(S): Cllr Anton Sampson
Cllr Julian Thompson-Hill

APPLICATION NO: 43/2015/1120/ TP

PROPOSAL: Felling of 1 horse chesnut tree subject to a Tree Preservation Order

LOCATION: Land at 72 Gronant Road Prestatyn

APPLICANT: MrGoronwy Owen Pure Residential And Commercial Ltd.

CONSTRAINTS: Tree Preservation Order

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

REASON(S) APPLICATION DELEGATED:
Scheme of Delegation Part 1

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL:
"Objection; healthy trees should be protected and not felled"

ARBORICULTURIST CONSULTANT:
Considers that the submitted Arboricultural Report is a fair and reasonable assessment of the situation and implications of the works carried out on site. It is almost certain that the trees stability has been compromised to the extent that there is a significant risk of failure. Mitigation to offset the effect of the root damage by reducing the size of the crown (and therefore the leverage on the remaining roots) would have to be so significant that it would further exacerbate the decline of the tree, and have a detrimental effect on the amenity afforded by the tree. In accepting that the removal of the tree is justified, it is recommended that replacement planting of two fastigiated Oaks is conditioned.

RESPONSE TO PUBLICITY:

In objection
Representations received from:
Christopher Carpenter, 87A Gronant Road, Prestatyn
Fredrick Moore, 70 Gronant Road, Prestatyn
Caroline Jones, 93 Gronant Road, Prestatyn
Mrs. M. Bain, 95, Gronant Road, Prestatyn
John Williams, 99 Gronant Road, Prestatyn

Summary of planning based representations in objection:
- The tree is protected by a TPO and should not be felled
- The tree is aesthetically pleasing and provides screening
- The tree is not diseased
- The Developer has not complied with best practice and damaged the roots
- A root radar scan and watching brief should be undertaken

EXPIRY DATE OF APPLICATION: 6/1/16

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Consent is sought for the felling of one Horse-chestnut tree that is the subject of a tree preservation order.
- 1.1.2 The applicants raise concerns about the stability of the tree as a result over the trees restricted rooting environment and the amount of root severance and damage from recent construction and excavation work within the trees root protection area.

1.2 Description of site and surroundings

- 1.2.1 The Horse-chestnut is situated on raised ground behind a stone retaining wall on a new residential development at 72 Gronant Road. The tree's height is approximately 12.5m with a stem diameter at breast height of 960mm and crown spread to the west of 8.5m and 7m to the north, south and east.
- 1.2.2 The tree is prominently sited within the street scene. The northern side of Gronant Road (opposite the site) is characterised by uniform residential properties, close to the highway, with small front gardens and ornamental planting. The southern side of Gronant Road is characterised by larger residential properties set further back from the highway than those on the northern side. The southern side also features mature trees planted along the boundary with the highway.

1.3 Relevant planning constraints/considerations

- 1.3.1 Denbighshire County Council (land at 72 Gronant Road) Tree Preservation Order no. 1/2002.

1.4 Relevant planning history

- 1.4.1 Outline permission was granted in 2002 for the development of this site by way of 7 dwellings, with reserved matters following in 2005. There have been a number of subsequent amendments to the design of the dwellings and site layout.
- 1.4.2 In March 2015 consent for the felling of the Horse-chestnut tree was sought on the basis that the roots were having a detrimental impact upon the stability of the stone boundary wall, and posed a potential threat to safety. This application was refused (see Details of Planning History)
- 1.4.3 Following the refusal of felling consent, planning permission was granted to allow the access to the site to be amended from the approved two individual entrances at the east and west limits of the site, to a singular shared entrance located centrally within the site and adjacent to the horse chestnut tree in question.
- 1.4.4 The applicants state that the need to fell the tree has resulted from implementing the approved revised access arrangements.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 43/2015/0231 – Felling of Horse-chestnut tree. REFUSED under delegated powers on 15/5/2015 for the following reason:

“It is the opinion of the Local Planning Authority that the tree provides significant amenity value to the locality and in the absence of sufficient evidence to show that the felling of the tree is essential it is considered that the felling of the tree would have an unacceptable impact on the amenity of the locality.”

2.2 43/2015/0330 – Amendment to access arrangements to serve plots 1 and 2 submitted in relation to application code nos. 43/2002/0127/PO, 43/2005/0538/PR, and 43/2007/1536/PF. GRANTED 3/6/2015

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013):

RD1 – Sustainable development and good standard design

VOE 1 – Key Areas of Importance

SPG 6 – Trees and Development

3.2 Government Policy/Guidance:

Planning Policy Wales 8, January 2016

TAN 10 – Tree Preservation Orders (1997)

WO Circular 64/78

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Amenity value of the tree

4.1.3 Is the proposal justified?

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy VOE 1 seeks to protect sites of from development that would adversely affect their biodiversity/landscape value. Policy RD 1 includes criteria which seek to protect the visual amenity of the area.

Planning Policy Wales (Section 5) states that trees, woodlands and hedgerows are of great importance as both wildlife habitats and in terms of their contribution to landscape character and beauty. Trees, woodlands and hedgerows also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. PPW 8 further advises that Local Planning Authorities should seek to protect

trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Tree Preservation Orders are made on the basis of an assessment of the amenity value of the trees. Therefore, in determining applications for consent for felling or carrying out works to protected trees, current government advice to authorities is as follows:

- i) to assess the amenity value of the tree or woodland, and the likely impact of the proposal on the amenity of the area, and
- ii) in the light of their assessment at i) above, to consider whether or not the proposal is justified, having regard to the reason put forward in support of it.

The proposal is therefore considered acceptable in principle subject to consideration of the above tests.

4.2.2 Test i) - Amenity value of the tree:

The Horse-chestnut is situated on raised ground behind a stone retaining wall on a new residential development at 72 Gronant Road. The tree's height is approximately 12.5m with a stem diameter at breast height of 960mm and crown spread to the west of 8.5m and 7m to the north, south and east.

The tree is highly prominent within the street scene and clearly affords a degree of 'pleasantness' to the area. It is currently in good health, has a good form and helps to soften the appearance of the new dwellings. Clearly the loss of the tree would have a detrimental impact upon the street scene, a view that echoes the previous refusal of consent for the felling of the tree.

It is considered that the Horse-chestnut tree affords significant amenity value to the character of the area, and that the felling of the tree should only be consented if the justification forwarded by the applicants is assessed to be reasonable. In the event that the justification is accepted, it is suggested that suitable replacement trees be conditioned to mitigate for the loss of the Horse-chestnut.

4.2.3 Test ii) - Is the proposal justified?

The applicant's case is that in implementing the amended access arrangements, a significant amount of the trees roots have been severed. This has led to concern regarding the trees stability, and the applicant's Arboriculturist also refers to the trees restricted rooting environment to the north and east of the tree (caused by a stone boundary wall 0.7m from the trees stem, and driveway). It is therefore assumed that the trees root system has spread predominantly south and west of the tree.

The implementation of the new access has led to the severance of 21 significant roots (ranging from 25 mm to 100mm) at a distance of 3.8m to 4.3m from the trees stem. According to BS 5837:2012, 'Trees in relation to design, demolition and construction – Recommendations', the root protection area for a tree of this height is approximately 11.5 metres. The submitted Arboriculture Report concludes that such extensive root loss within the root protection area has compromised the stability of the tree.

To assess the submitted justification the LPA has employed its own qualified Arboricultural Consultant. The LPA's Consultant considers that the submitted Arboricultural Report is a fair and reasonable assessment of the situation and implications of the works carried out on site. It is almost certain that the trees stability has been compromised to the extent that there is a significant risk of failure. Mitigation to offset the effect of the root damage by reducing the size of the crown and therefore the leverage on the remaining roots, would have to be so significant that it would further exacerbate the decline of the tree, and have a detrimental effect on the amenity afforded by the tree. In accepting that the removal of the tree is justified, the

Consultant has recommended replacement planting of two fastigiated oaks.

5. SUMMARY AND CONCLUSIONS:

5.1 In implementing the works granted under planning permission 43/2015/0330, a significant number of roots have been severed. This has resulted in the Threat posed by the tree falling as 'Significant – Category 5' (on a scale of 1-7 with 7 as the highest most extreme risk).

5.2 Taking into account the above factors and the proposed replacement planting of two fastigate oaks along with other landscaping it is considered reasonable to allow the tree to be felled and rely on the replacement planting to provide future long term amenity.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. Within the first available planting season (November to March inclusive) after the felling or substantial felling of the horse chestnut the replacement planting proposed on the submitted drawing and Tree Mitigation Proposals shall be implemented in full.
 - The two replacement oaks shall be containerised semi-mature specimens (20-25cm) *Quercus robur* 'fastigiata' and the liquidamber a containerised heavy standard (12-14cm) *Liquidamber styraciflua*.
 - The replacement trees shall be supported by underground anchors and have a 100m irrigation pipe placed just below the surface around the perimeter of the root ball to facilitate watering.
 - Once planted the replacement trees shall be watered for three years, every 14 days between May and September inclusive, to ensure the moisture content in the root ball is at field capacity.
 - Where relevant the sourcing, handling, planting and maintenance of the trees shall be carried out in accordance with BS8545:2014 (Trees: from nursery to independence in the landscape - Recommendations).
 - If any of the trees dies or is dying, is removed or severely damaged another tree shall be planted in accordance with same specification.

The reason(s) for the condition(s) is(are):-

1. To ensure the planting is adequately specified and to provide replacement amenity.