

12 SE2003/3209/J - REMOVE ONE THUJA AND WORKS TO TWO GROUPS OF BEECH TREES TO REMOVE SOME LOWER BRANCHES, RAISE CANOPIES, TIP BACK LATERAL GROWTH, RESHAPE AND REDUCE MODERATELY IN HEIGHT AT HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE

For: M F Freeman Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Glos GL17 9BH

Date Received: 28th October 2003

Ward: Penyard

Grid Ref: 63412330

Expiry Date: 23rd December, 2003

Local Member: Councillor H. Bramer

1. Site Description and Proposal

- 1.1 The trees in question are located within the grounds of Hunsden Manor. The Thuja is within a Group covered by Tree Preservation Order Hunsden Manor Hotel, Weston Under Penyard, designated in 1989. The Beech trees are within another group covered by a recent Order designated in 2003 and which has yet to be confirmed.
- 1.2 The proposal is to remove a Thuja that extends within 1.5 metres from the north elevation of a recently constructed dwelling. The tree itself is some 17.5m high and as a whole has a slight lean to the east.
- 1.3 Prior to the imposition of the Tree Preservation Order upon the beech trees in 2003, some major crown lifting and trimming works were undertaken. It was also proposed to do some further works as part of this application although the applicant has now written to withdraw these.

2. Policies

- 2.1 South Herefordshire District Local Plan:
C.17 – Tree Management
- 2.2 Herefordshire Unitary Development Plan (Deposit Draft):
LA5 – Protection of trees, Woodlands and Hedgerows
- 2.3 Hereford and Worcester County Structure Plan:
CTC11 – Trees and Woodlands

3. Planning History

- 3.1 Planning permission for four houses with garage block and new access (code SE2002/3900/F) was granted on 20th February 2003. Conditions were imposed to protect trees subject to the Tree Preservation Order upon the site together with other trees shown to be retained in a landscaping scheme which was to be prepared.

Further information on the subject of this report is available from Mr W N Bloxsome on (01432) 261783

4. Representations

- 4.1 The applicant's arboricultural consultant has provided a report in relation to the thuja. He expresses concern for the continued stability and safety of this tree. He considers the tree is likely to cause ongoing problems with regard to its potential to cause light loss and shading of the nearby property. However, his main concern is in relation to the adequacy of the tree's roothold. The soil is considerably restricted by the construction of the new dwelling and a section of new stonewall. The original soil level has been reduced by 1 metre as a result of levelling the building plot. Considerable root loss will also have occurred. In combination, these are likely to lead to a loss of stability and there is a significant chance that the tree could be uprooted in advance weather conditions. A reduction in the height of the tree would lessen wind resistance but the tree's shape would be lost.
- 4.2 Weston Under Penyard Parish Council comments as follows:
- "Regarding the thuja, councillors feel that it should be kept, with major pruning to improve stability."
- 4.3 Representations have been received from Mrs G D Lodge of Rudge House Farm, Weston Under Penyard. The main points raised are:
- a) not against the removal of the thuja as there are two mature trees nearby;
 - b) one or two new specimens could be replanted nearby to replace it;

5. Officers Appraisal

- 5.1 It is advised that the concerns regarding the adequacy of the thuja's roothold are justified and confirmed by the Council's arboricultural adviser. The nearby house has been constructed closer than that recommended by BS5837(1991) which is the British Standard guidance for trees in relation to construction.
- 5.2 A reduction in height would reduce the potential risk but this would also seriously diminish the tree's visual character and amenity. Pressure would remain for continued works to maintain the tree at a reduced level or for its removal. Essentially in the existing circumstances the tree is not an appropriate specimen for its location.
- 5.3 Should the Council wish to refuse the application to fell the tree, it should be mindful of locality and the applicant's right to compensation for loss or damage suffered as the result of the Council's decision. The tree is not considered to be of such special or outstanding amenity value for an Article 5 certificate to be issued.
- 5.4 It is considered that the tree's removal is justified on arboricultural grounds and it should be replaced by a more appropriate species.
- 5.5 Negotiations with the applicant upon the further works to the beech trees have resulted in the withdrawal of this element of the application. It was agreed that further stress through the moderate reduction that would effectively reduce the amount of foliage on the trees could be detrimental to their safe, useful life expectancy at this point in time. However minor works may be appropriate at some point in the future given the form, structure and location of the trees.

RECOMMENDATIONS

Consent to fell the Thuja be GRANTED subject to the following conditions:

1. The works shall be carried out in accordance with BS3998 recommended for works to trees.

Reason: In the interest of good tree management.

2. The Thuja tree hereby approved to be felled shall be replaced by one standard tree of such species and in a location to be agreed in writing with the local planning authority. The replacement tree shall be planted within 12 months of the removal of the tree subject to this approval.

Reason: To maintain the visual and environmental quality of the site and surrounding area.

3. The works must be begun not later than the expiration of two years from the date of this permission.

Reason: To ensure the that works hereby approved are appropriate to the specific application for which they were approved, in view of the likely growth of the tree or trees in question.

NOTE: This approval does not grant consent for works to the line of beech trees, proposals for which were withdrawn in the applicant's communication dated 5th January, 2004.

Background Papers

1. Development Control File SE2003/3900/F
2. Herefordshire Unitary Development Plan (Deposit draft)
3. South Herefordshire District Local Plan
4. Hereford and Worcester County Structure Plan
5. Tree Preservation Orders – a Guide to the Law and Good Practice (DETR, March 2000)
6. BS 5837:1991 – Guide for Trees in relation to Construction (BSi)
7. BS 3998:1989 – Recommendations for Tree Work (BSi)