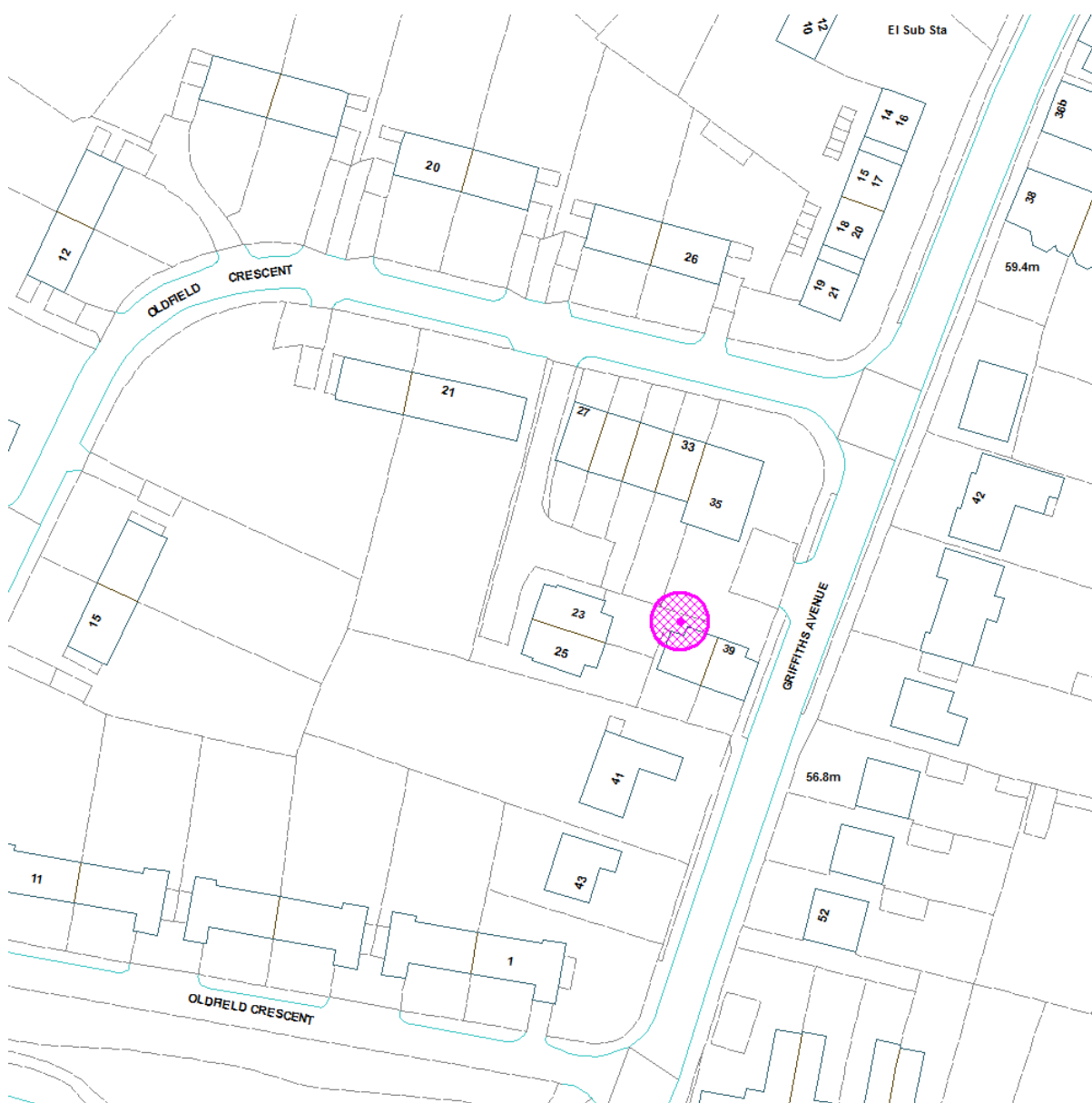


APPLICATION NO: 17/01369/TPO	OFFICER: Mr Christopher Chavasse
DATE REGISTERED: 14th July 2017	DATE OF EXPIRY: 8th September 2017
WARD: St Marks	PARISH:
APPLICANT:	Mr W Walker
AGENT:	Falcon Lettings
LOCATION:	37 Griffiths Avenue, Cheltenham
PROPOSAL:	Horse Chestnut in front garden - complete removal

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a 20m+ high and wide Horse Chestnut tree within in a small courtyard garden within St. Marks Conservation Area. This property development is 11 years old and the tree is considerably older. The tree owner wishes to fell the tree entirely.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History:

00/00937/FUL 11th September 2000 REF

Proposed conversion of existing dwelling(s) to six flats, two new dwellings and garaging

01/01641/FUL 6th February 2002 PER

Proposed amendments to approved scheme under 00/00937/FUL, (three additional dwellings) within approved new structures (Revised Plan)

04/01434/DEMCON 23rd September 2004 NPRIOR

Demolition of existing building

04/01811/OUT 29th November 2004 WDN

Construction of four storey building comprising 21 apartments and pair of semi-detached houses

04/02137/OUT 23rd February 2005 REF

Construction of four-storey building comprising 21 apartments and pair of semi-detached houses - resubmission of revised scheme following withdrawal of application under CBC Planning Ref. 04/01811/OUT

05/00520/OUT 23rd June 2005 PER

Construction of residential development comprising two pairs of semi-detached dwellings, three storey terrace comprising 4no. townhouses and 5no. apartments with associated car parking

05/01749/REM 20th February 2006 APREM

Approval of reserved matters following grant of 05/00520/OUT (two pairs of semi-detached dwellings, three storey terrace comprising 4no. townhouses and 5no. apartments with associated car parking)

3. POLICIES AND GUIDANCE

Local Plan

Policy GE5:

The Borough will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate places. For protected trees the Council will require:

- a) Any tree which has to be felled to be replaced where practicable.

4. CONSULTATIONS

Cheltenham Tree Group

6th August 2017

Site visited on 06/08/17. Noted too are the photos in relation to the surrounding buildings, which clearly have been built after the tree. In that area, there is little such amenity from other trees in the close locale, though it is noted that there is support for complete removal on safety and other grounds. Given that there may be other options available - a factual check on the health of the tree, pruning or branch removal as an alternative, would be two examples - we would 'object' to complete removal, until the CBC Tree Officer is satisfied no other alternative exists. Replacement with a more suitable tree is noted and welcomed.

5. PUBLICITY AND REPRESENTATIONS

6.

Number of letters sent	15
Total comments received	3
Number of objections	1
Number of supporting	2
General comment	0

6.1 15 adjacent neighbours were written to and 2 site notices erected nearby.

7. OFFICER COMMENTS

7.1 Determining Issues

This is a fully grown mature pollarded Horse Chestnut which pre-dates the adjacent property. It is growing in a small courtyard garden and several neighbouring properties are within falling distance. However, the tree is in good structural condition and branch or limb failure is not anticipated during normal weather conditions.

The tree provides high visual amenity in a relatively treeless area especially when in leaf until approximately mid-July until September when the tree's leaves are subject to colonisation by Horse chestnut Leaf Miner larvae. These larvae make the tree's leaves crispy and brown from mid-summer onward which reduces the trees ability to photosynthesise as well as remove much visual amenity. The pupae overwinter in leaf litter and as such there is no reasonable action available to remedy this situation.

Whilst the tree has survived the rigours of demolition and rebuild it is not clear if the tree's overall proportion was appropriately considered as a part of the planning application to build these houses.

Tree officers consider that this tree is out of proportion with its environment and the owner (and some adjacent neighbours) feel overwhelmed by its presence. No neighbours have objected to its removal.

The tree could be re-pollarded so as to make it more size appropriate but such a heavy reduction would be of poor arboricultural practice and would remove much visual amenity. Such pollarding would not resolve the Horse Chestnut Leaf Miner problem. It could be reduced to approximately half its current size but this would not resolve fundamental problems regarding such an inappropriate species for this location. If retained, as the tree goes into over-maturity and its biological vitality is reduced by the action of the leaf miner the tree could become more vulnerable to failure.

7.2 Design and layout

Tree Officers consider that there is insufficient space between this tree and adjacent properties and that the annual nuisance of falling leaves, conkers, flowers, guano and

other debris overwhelms the amenity the tree may provide. There is a perceived fear of tree failure and the owner wishes the tree to be entirely removed.

7.3 Impact on neighbouring property

This tree drops much debris on adjacent properties and the response from neighbours supports the application to fell.

7.4 Sustainability

It is considered that a small courtyard garden could support a more modest sized tree of high ecological value such as hawthorn.

7.5 Other considerations

Whilst a replacement tree can be conditioned in any permission to fell such a new tree species will not have the same high visual amenity or landmark value as a chestnut but in time the replacement will help to soften the adjacent landscape.

8. CONCLUSION AND RECOMMENDATION

- 8.1** Given the trees maturity its colonisation by Horse Chestnut Leaf Miner, its disproportionate size for the location and proximity to adjacent property, Trees Officers consider it would be preferable in the longer term to fell and replant with a more suitably sized species.

9. CONDITIONS

- 9.1** Any permission to fell could be mitigated with a replanting condition (Note 3 of policy GE5, the legitimate felling of protected trees will require replacement planting. The Council will determine the location, size and species of the replacement).