

25 Ironstone Hollow, Hook Norton

12/01049/F

Ward: Hook Norton

District Councillor: Cllr Irvine

Case Officer: Simon Dean

Recommendation: Approval

Applicant: Mr Shires

Application Description: Works to trees (required in accordance with Condition 8 of CHN 379.94N)

Committee Referral: Council interest in the land

1. Site Description and Proposed Development

- 1.1 The application relates to a number of trees beyond the Northern boundary of 25 Ironstone Hollow, Hook Norton. Ironstone Hollow is a small housing development, granted consent under application reference CHN 379/94. Condition 8 of that planning permission required that "*None of the trees [within the area of trees to the immediate North of the housing] shall be felled, topped, lopped or uprooted without the prior consent of the Local Planning Authority unless such tree has become dangerous...*". This condition was imposed "*in the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development*".
- 1.2 The proposal seeks permission to undertake works to three of the trees (two oaks and an ash), as identified in the application, in order to prevent excessive overshadowing of, and encroachment into the garden of 25 Ironstone Hollow.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice. The final date for comment was the 20th of September 2012. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Hook Norton Parish Council:** objects to the application as it manages the wood and has not been approached directly by the applicant for consent to carry out this work.

Cherwell District Council Consultees

- 3.2 **Arboricultural Officer:** Comments will be provided at the Committee Meeting

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C13: Area of High Landscape Value

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

5. Appraisal

5.1 The key issues for consideration in this application are:

- Impact on the original reason for the condition

Impact on the original reason for the condition

5.2 As this application is required as a result of a condition imposed upon an application for planning permission, its acceptability lies chiefly in its impact on the original reason for its imposition.

5.3 In this case, the condition was imposed in the interests of the visual amenity of the area and to ensure the creation of a pleasant environment for the development. The two oak trees are to remain, but have their crowns reduced, and the ash trees proposed to be felled. It is small and set within the larger belt of trees.

5.4 The HPPDM does not consider that the proposed tree works would cause harm to the reason for the imposition of the condition when the planning permission was first granted, but it will be noted that the comments of the Council's tree experts are awaited.

Conclusion

5.5 Whilst the objections of the Parish Council in terms of their ownership or management of the woodland are noted, it is not considered that the District Council can defer further the consideration of this application whilst that issue is resolved. The condition requires the consent of the Local Planning Authority for the carrying out of works to these trees, and the application is therefore made to Cherwell District Council.

5.6 As the proposal results only in the reduction of the two larger trees, and the felling of one smaller one, the proposal does not harm the visual amenity of the area, nor does it significantly affect the pleasant nature of the context of the development.

6. Recommendation

Approval, subject to the following conditions:

- 1 Time limit
- 2 In accordance with tree BS

Planning Notes

- 1 Third party rights
- 2 Protected species

Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed tree works will not harm the visual amenities of the area or harm the character of the context of the development. As such the proposal is in accordance with Policies C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.