

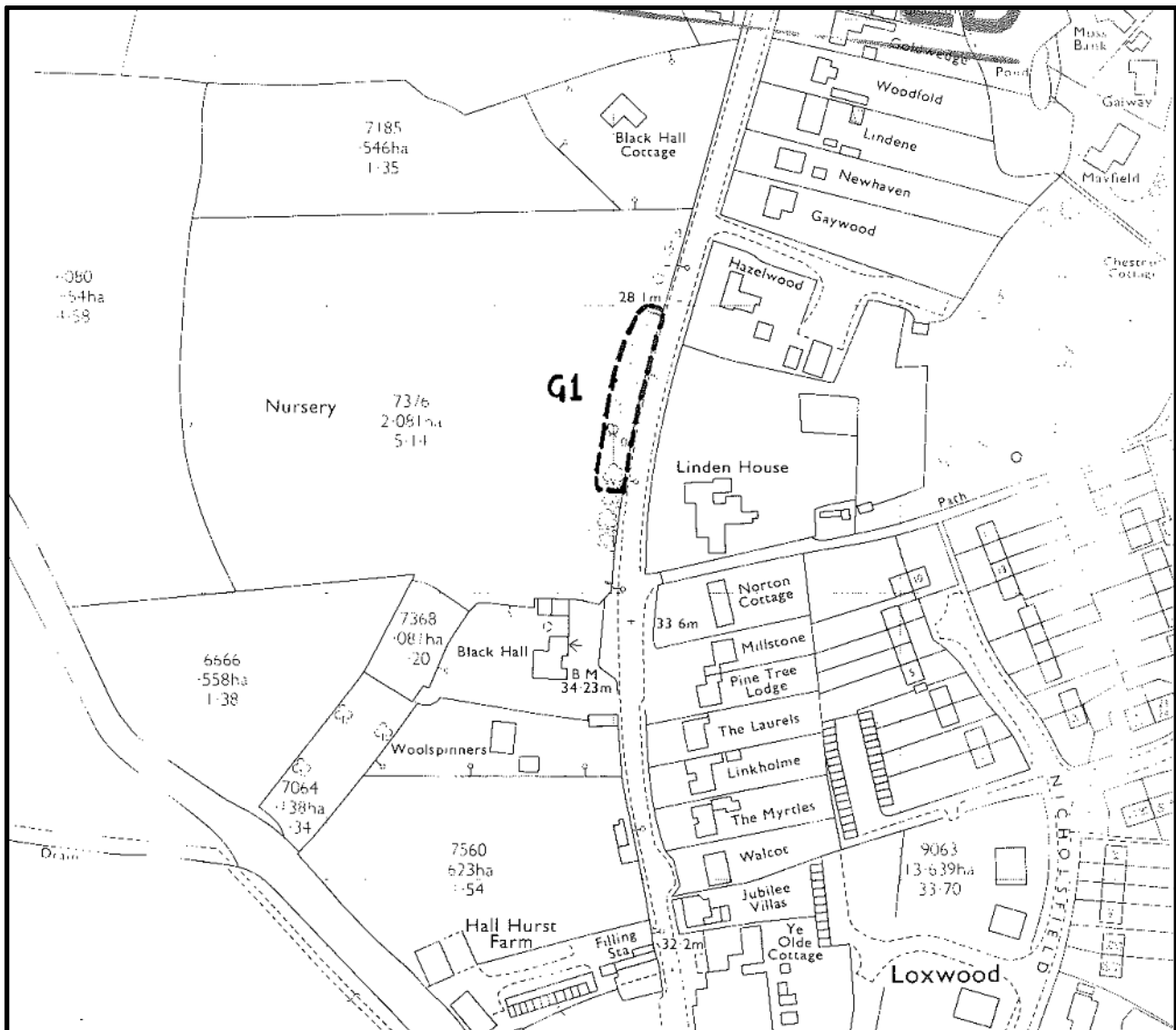
# Chichester District Council

Planning Committee

7 December 2016

**Proposal** Revocation of Tree Preservation Order 83/00653/TPO – 10 no. Oak Trees (Group G1)

**Site** Former Loxwood Nurseries, Loxwood



**NOT TO SCALE**

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## 1. Contacts

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## 2. Recommendation

**That the Group Tree Preservation Order (TPO) covering 10 no. Oak trees (83/00653/TPO) be revoked**

## 3. Background

- 3.1 The Council has been asked by the developers of the former Nurseries site in Loxwood to clarify the current status of Tree Preservation Order (TPO) (83/00653/TPO) which covers 10 no. Oak trees on the land. Given that none of the original TPO trees are now present, it is requested that the TPO be revoked.
- 3.2 The TPO was made on 29 June 1983 and confirmed without modification on 9 August 1983.
- 3.3 The trees subject of the TPO were located adjacent to the eastern (front) boundary of a 2.1 hectare site, which is the former Loxwood Conifer Nursery. The former nursery site is located at the northern end of Loxwood village, on the western side of Guildford Road (B2133). The site is located within the settlement boundary of Loxwood and is allocated as a housing site for a minimum of 43 dwellings in the made Loxwood Neighbourhood Plan (2014-2029).
- 3.4 Outline planning permission has been granted for a residential development of the site comprising 43 dwellings, 2no. retail units, access roads, landscaping and village green (15/02012/OUT). A reserved matters application (16/02284/REM) for layout, scale and appearance of building(s) and landscaping in relation to 15/02012/OUT is currently under consideration by the Council.
- 3.5 The developer is currently undertaking initial site investigations required as part of the outline planning permission. In the process of installing site boundary hoardings, it was evident to the developer that the 10 Oak trees, the subject of the TPO, are no longer on site. The Council's Tree Officer has been on site to assess whether any of the 10 no. Oak trees are still in situ or any evidence of any remains of the original trees exist and has found no evidence of the existence of the 10 no. Oak trees.
- 3.6 In support of their request for the TPO to be revoked, the developer has submitted evidence in the form of an aerial photograph, taken when the nursery was in operation (approximately 30 years ago), which clearly shows that the 10 no. Oak trees covered by the TPO are not present. Further evidence that the trees have not existed on site for several years can be found on Google Streetview where images from 2009 show that the original 10 Oak trees are not present.

- 3.8 The Council's tree officer has reviewed the TPO file and there is no record of when the trees were removed. Furthermore, a review of the planning history on the site shows that there have been no applications for any works to the trees.
- 3.9 It is clear therefore that the protected trees are no longer present on the site and it appears that they were removed a considerable number of years ago. The developer is concerned that they could be held liable for the removal of the trees and be required to replace them if the position is not clarified now. On the basis that it is apparent that the trees were removed from the site some time ago and that there is no evidence that the current developer was responsible for their removal, it is recommended that TPO 83/00653/TPO be revoked and the developer is not required to replace the 10 no. Oak trees. Appropriate landscaping of the site would remain under the control of the Local Planning Authority as part of the consideration of the reserved matters application (16/02284/REM), including any relevant conditions considered necessary.

#### **4. Background Papers**

- 4.1 Tree Preservation Order 83/00653/TPO, including associated maps.