



COMMITTEE DATE 16 December 2020 **WARD** Selston

APP REF V/2020/0471

APPLICANT Wren Hall Nursing Home

PROPOSAL Application for Works to Trees Subject to Tree Preservation Order 60 - Fell 1 Beech and 2 Sycamore Trees

LOCATION Wren Hall Nursing Home, 234 Nottingham Road, Selston, Nottingham, NG16 6AB

BACKGROUND PAPERS

App Registered 19/08/2020

Expiry Date 13/10/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Hankin on the grounds of the impact on public visual amenity.

The Application

This is an application requesting the felling of 1 Beech and 2 Sycamore Trees which are subject to Tree Preservation Order 60. The 3 trees are located on Nottingham Road frontage to the northwest of the access drive and 8 parking spaces serving Wren Hall. The trees are located in an enclosed area which is used as a play area by children attending the day nursery.

Consultations

Site Notices have been posted together with individual notification of surrounding residents.

Resident Comments: 10 Letters of objection have been received from local residents raising the following:

- The trees are protected and shouldn't be felled
- There will be an adverse effect on biodiversity and bird nesting
- The nursing home is doing this so they can further develop the land
- There have been no proposals to replace any of the trees felled
- The existing trees block noise pollution coming from the care home

One letter of support has been received but only if the trees are in a poor condition and replacement planting is suggested.

ADC Tree Officer: It is agreed that the tree assessment submitted by the applicant fully supports the removal of the trees in question and therefore raises no objections to the removal of the trees in question

Kretzschmaria deusta has been identified which causes brittle failure of the trees stem. In particular as canopy die back is occurring the extent of the decay is considered as extensive. Pruning the trees in any way will actually hasten the demise of the trees. The reduction in moisture take up caused by extensive reduction will cause the decay to spread even more rapidly.

It is recommended that replacement planting occurs. The trees will need to be planted after the tree stumps have been ground out and the infected material removed. Once this has been achieved fresh soil will need to be imported into site and the trees planted in the newly formed tree pits. The trees should be 16 to 18 cm girth container grown stock and maintained for a period of 5 years to ensure satisfactory establishment. These trees will then also be formally protected with a TPO. It is suggested that replacement with Beech trees will provide more long term public visual amenity value and are naturally shade tolerant thus suited to the site location.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review (ALPR) (2002)

- EV8 – Trees and Woodlands

JUSt Neighbourhood Plan (2017 – 2032)

- NP3 – Protecting the landscape character

National Planning Policy Framework (NPPF) (2019)

- Part 15 – Conserving and Enhancing the Natural Environment

Relevant Planning History

Application Reference: V/1989/0432

Application Description: Application to Fell 2 Beech Trees

Decision: Conditional Consent

Decision Date: 01/03/1990

Application Reference: V/2018/0021

Application Description: Change of use of existing dwelling to a care home (d1) and day nursery (d1) for use by members of the public.

Decision: Conditional Consent

Decision Date: 18/05/2018

Comment

The trees which are proposed to be felled are 3 mature trees, 1 Beech and 2 Sycamore, located in a prominent location in the area. There are other trees in the area and vicinity of the site which are also protected. It is accepted that the loss of these trees will have a significant adverse impact on the character and visual qualities of the area. The applicant has however clearly demonstrated that the trees in question are suffering from disease and are in a very poor physiological condition and are deteriorating. Alternative works have been assessed and discounted because any type of pruning work would only cause greater demise to these trees.

The council's tree officer recommends, because of safety implications, that consent be granted for the trees to be felled. A replacement planting scheme will be required to mitigate and lessen the impact on visual amenity.

The disease *Kretzschmaria deusta*, is a serious issue, is commonly known as brittle cinder, is a fungus and plant pathogen, which can be commonly found on trees such as Beech and Sycamore. The pathogen, over time, breaks down the cellulose in the tree, causing it to rot and breaking down the wood. It is commonly found at the base stump of the tree and can be often identified as bleach black blotches on the tree bark. Even though the tree may appear structurally sound, the pathogen does destroy the integrity of the tree and does increase its chance of falling over.

Even if a tree with this condition is felled, the pathogen can still thrive in the ground and eventually infect other trees. For this reason it is of great importance that if the trees are felled, the base of the trees will need to be grounded out and any infected material and soil will need to be removed and replaced as so to mitigate any possibility of reinfection.

The trees provide significant habitats aiding the biodiversity in the area and are often used by birds for nesting. It is therefore recommended that to ensure the significant impact is mitigated in respect of biodiversity and the visual amenity of the area, that a replacement planting scheme should take place. The ADC's tree officer recommends the trees stumps are ground out and any contaminated soil removed from the site and 3 replacement extra heavy standard Beech Trees be planted in appropriately prepared ground in the location of the existing trees. The planting of Beech trees are considered to be more appropriate than Sycamore since it is considered that Beech Trees will provide more long term value to the area.

Conclusion :

Overall, the trees are in a poor physiological condition and have a serious disease and this runs the risk of infecting other trees or of the trees falling and causing danger to the public and surrounding buildings. The planting of new replacement

trees will in the long term enhance the public amenity value and requiring extra heavy standards will provide the amenity value sooner.

It is therefore recommended that this application is granted planning permission, subject to the following conditions.

Recommendation: - Conditional Consent

CONDITIONS

1. This permission shall authorise the carrying out of the approved tree works within 2 years of the date of this permission.
2. This permission shall authorise the felling of 1 Beech and 2 Sycamore tree(s) only as identified in the submitted documents.
3. The felling shall be carried out in a manner that will avoid damage to trees to be retained.
4. Within one month following the felling of the trees the stumps shall be ground out from the ground and all branchwood, roots and soil infected by the fungus and plant pathogen, shall be removed from the site and new clean top soil introduced and the site left in a reasonably clean and tidy condition.
5. During the first period 1 October to 31 March inclusive following completion of the felling, three replacement Beech Trees, of container grown stock with a minimum girth of 16 to 18 cm, shall be planted in the exact location of the existing trees. Should the replacement trees be removed, die, be severely damaged or becoming seriously diseased within 5 years of planting, they shall be replaced in the following planting season by trees of a size and species similar to those originally required to be planted.
6. The replacement trees shall be protected by tree guards for at least the first five years following planting.
7. The applicant shall notify in writing the Local Planning Authority when the trees are felled, when the roots and contamination has been removed from the site and again when the replacement trees have been planted.

REASONS

1. To define the time scale of the permission and to allow further assessment in the event of the works not being carried out.
2. To clarify the extent of the permission.
3. To safeguard other trees in the vicinity the visual amenity of the area.
4. To ensure the works are carried out in a satisfactory manner and to enable replanting to be carried out.
5. The trees are an important feature in the area and this condition is imposed to make sure that there is no long term loss to the overall appearance and character of the area
6. To safeguard the replacement trees from damage.
7. To ensure the progress of the works can be monitored.

INFORMATIVE

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in the trees subject to the consent, work should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March to August inclusive, but may start earlier and extend later.
3. All bats species and their roosts are legally protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Should bats be found prior to or during the course of tree work, work should immediately stop and advice from Natural England should be obtained and fully implemented before work can resume. Natural England's Batline can be contacted on 01509 672772.