



MAP SCALE 1: 1250
CREATED DATE: 03/06/2021

COMMITTEE DATE 21/07/2021 **WARD** Sutton St Mary's

APP REF V/2021/0332

APPLICANT F McDermott

PROPOSAL Application for Tree Works: Works to Trees Subject to a Tree Preservation Order TPO Ref No. 178 - Fell 9no. Sycamore Trees

LOCATION 107, Alfreton Road, Sutton in Ashfield, Nottinghamshire, NG17 1FJ

WEB LINK <https://www.google.com/maps/@53.1220082,-1.2761987,19z>

BACKGROUND PAPERS A, C, K

App Registered 30/04/2021 Expiry Date 24/06/2021

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

This application has been referred to Planning Committee by Cllr. Hollis on the grounds of impact to the street scene and highway safety.

The Application

This is an application that seeks consent for the felling of 9 Sycamore trees which are subject to Tree Preservation Order Ref No. 178 and identified as G1 on the TPO plan. The trees in question are situated on the boundary line of 107 and 105a Alfreton Road. The applicant believes that the trees have insufficient amenity value to justify their protection and wishes to fell them due to their excessive shading.

The application includes a tree report written by an Arboricultural Contractor and Consultant for the occupant of 105a Alfreton Road.

Consultations

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

5 resident comments have been received in support of the application and raise the following points:

- The trees block sunlight to the surrounding properties
- The trees create mess in the form of resin, sap, branches and leaves

- The shade of the trees encourages moss to grow
- The leaf fall in the Autumn makes footpaths slippery and dangerous
- The root systems are a danger to the foundations and structural integrity of surrounding properties
- The trees sway in inclement weather and present a danger to passing large vehicles, and the surrounding properties and their inhabitants
- The trees are located too close to the surrounding properties
- Sycamore is not an appropriate species for small gardens

The applicant submitted the following comments in support of the application:

- The trees have been a constant nuisance to the residents of 105a Alfreton Road and Smithy Row
- The trees are not visible from the public road
- The trees cause the surrounding gardens to be soggy, and surrounding hard surfaces to become algae covered and slippery
- Residents of the surrounding properties cannot use their gardens, grow any plants or maintain a lawn
- Residents of the surrounding properties spend large sums of money clearing up the leaf fall and repairing damage to roofs, guttering, driveways and paths
- The trees are scraggly and have no value
- The property in question has many other trees that will be retained, many of which are visible from the public highway
- The trees have been inspected by the local Councillor
- Prior works to the trees have not lessened the impact of their nuisance
- Removal of the trees was partially consented in applications V/2007/0379 and V/2007/0698 but not carried out
- Nottinghamshire County Council have trimmed other protected trees on the property without consent to clear footpaths and roadways

ADC Tree Officer

The Council's Tree Officer has commented that the felling of healthy trees protected with a Tree Preservation Order should be fully substantiated. The trees predate the development and were considered to merit the protection of a Tree Preservation Order at that time.

The applicant has not demonstrated that the trees pose any substantial threat to the property in terms of the potential for structural failure of the trees, or their impact on the structure of the dwelling. Additionally, no arboricultural justification for the works has been offered.

The Tree Officer has suggested that limited works to the trees could be possible if justified for good arboricultural management and maintenance without unduly affecting the public amenity value of the trees in question.

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 2002

- EV8 – Trees and Woodland

National Planning Policy Framework 2019

- Part 15 – Conserving and Enhancing the Natural Environment

Relevant Planning History

V/1991/0101

Site for 5 Houses and Access

Decision: Conditional, 27/03/1991

V/1994/0755

Pruning of 1 Tree

Decision: Conditional Consent, 04/01/1995

V/1999/0136

Minor Pruning Works to Trees

Decision: Conditional Consent, 22/04/1999

V/2000/0052

Pruning of 14 Trees

Decision: Conditional Consent, 23/03/2000

V/2000/0337

Removal of Branches to Six Sycamore Trees and One Horse Chestnut Tree

Decision: Conditional Consent, 01/06/2000

V/2000/0501

Erection of House & Detached Garage

Decision: Conditional Consent, 10/08/2000

V/2002/0072

Erection of Two Storey Dwelling

Decision: Conditional Consent, 04/03/2002

V/2004/0231

Pruning of Lime & Sycamore Trees

Decision: Conditional Consent, 15/04/2004

V/2007/0204

Demolition of Existing Dwelling & Erection of 6 Detached Dwellings with Garages

Decision: Withdrawn, 24/04/2007

V/2007/0379

Fell 8 and Prune 3 Trees

Decision: Conditional Consent, 20/06/2007

V/2007/0382

Demolition of Existing Dwelling & Erection of 6 Detached Homes with Garages

Decision: Refusal, 07/06/2007

V/2007/0608

Removal of 5 Sycamore and 1 Chestnut Tree

Decision: Withdrawn, 27/07/2007

V/2007/0698

Removal of Two Sycamore Trees

Decision: Conditional Consent, 05/09/2007

V/2008/0446

Demolition of Existing House and Outbuildings and Construction of 5 Houses and Garages

Decision: Conditional Consent, 05/09/2008

V/2011/0424

Extension of Time Application for Planning Permission V/2008/0446 for the Demolition of Existing House and Outbuildings and Construction of 5 Houses and Garages

Decision: Conditional Consent, 09/09/2011

V/2018/0398

Fell 9 Sycamore Trees

Decision: Refusal, 30/08/2018

V/2019/0091

Prune Sycamore Trees Subject to Tree Preservation order 178

Decision: Conditional Consent, 22/07/2019

Comment:

The 9 Sycamore trees form a row that is located along the eastern boundary of 107 Alfreton Road and the western boundaries of 1 Smithy Row and 105a Alfreton Road.

The trees are of a substantial height and pre-date the construction of the surrounding development. A Tree Preservation Order was placed on the Sycamore trees in the interest of preserving public amenity. The trees are a prominent feature of the area and provide a positive visual contribution. The crowns can be seen from multiple streets surrounding the site. Felling the whole row of trees would significantly impact the visual amenity of the area.

Consent has been granted previously for the pruning of the trees at the site for good arboricultural reasons but never carried out. The original Tree Preservation Order was reviewed on 23/03/2007 and later confirmed on 18/09/2007 this was to ensure the trees still provide positive visual amenity and to enable development to take place. Applications have been submitted previously for residential development at the site of 107 Alfreton Road. The review of the Tree Preservation Order was carried out around the time of the withdrawn application V/2007/0204 and refused application V/2007/0382. Residents were raising concerns on these applications over the loss of the trees at the site and one of the reasons for refusal was that development would have a detrimental impact upon numerous trees protected by a TPO. Residential development was subsequently approved under application V/2008/0446 however it appears that the approved development was never built on the site of 107 Alfreton Road.

It is noted that the trees proposed to be felled pre-date development within the area including the neighboring dwelling known as 105a Alfreton Road. The dwelling at 105a Alfreton Road was granted permission under application V/2002/0072 and it is demonstrated within the historic application that the trees in question were present on the site at the time of this application and further permissions have been granted since then for pruning to help maintain the trees. It is raised that the trees provide excessive shading by the occupier of this dwelling, which is not disputed. However a layout plan submitted as part of application ref V/2002/0072 for the erection of 105a shows the trees in question on the boundary therefore it would appear that shading would have been present from when the dwelling was first occupied due to how the dwelling has been positioned and designed in relation to the trees.

Further comments in support have also discussed that the trees provide shading, mess, leaves, block sunlight etc. again the trees are of a substantial age and a lot of development has been built around the trees. Comments have also been raised that sycamores aren't an appropriate species and are too close to the development. In this case the trees were there before the development so the position of the trees and expected growth of the trees were known and had been considered at the design stage of the development. It is also expected as part of a TPO that trees are managed and there has been approvals for works to manage the trees in the past.

The applicants tree report acknowledges the presence of a Tree Preservation Order and emphasizes that managing trees along the boundary is complex and ultimately requires action from the tree's owner. The report concluded that the trees are healthy but large for their position. They dominate the garden of Number 105a and are a

reasonable cause for concern. While pruning the trees to prevent encroachment is acknowledged as a possible solution, it would be required regularly and more frequently than is reasonably practical. It would also do nothing to alleviate the shade.

The report suggests that the only sensible solution is complete removal of the row of trees, and that the trees do not have sufficient amenity value to warrant their protection with a Tree Preservation Order.

It should be acknowledged that the date on the submitted tree report and amenity valuation is 2018. Since the date of the report an application ref V/2018/0398 has been refused for the felling of 9 sycamore trees. A further application was submitted in 2019 ref V/2019/0091 and was granted consent for pruning works to be done to the sycamores to alleviate the concerns of the applicant. No evidence has been supplied to show that these works have been carried out.

The Council's tree officer has commented that limited works to the trees could be possible if justified for good arboricultural management and maintenance without unduly affecting the public amenity value of the trees in question. In this instance this approach would be favourable over felling the trees.

Conclusion:

The proposed felling of 9 mature Sycamore trees is considered inappropriate as the trees are in a healthy condition and no arboricultural justification has been offered to support their removal. While it is recognized that these trees have maintenance costs associated with them, the trees and TPO status pre-date the surrounding development and the TPO was also reviewed in 2007.

Approving this proposal would result in a significant loss to the visual amenity of the local area. The trees are approximately 16 metres in height and can be seen from the surrounding roads.

It is considered that a strong case for their felling has not been identified regarding the threats from structural failure of the trees, or the impact of the trees on the structural integrity of the surrounding dwellings. Trees where possible should be retained as they provide a wide range of benefits, ecologically and in respect of climate change and while replacement trees are welcomed, they can take a long time to mature and provide the same level of benefit. It is suggested that a less extreme proposal that does not cause detriment to the visual amenity of the area or the health of the trees should be fully explored and considered before felling is agreed.

It is recommended that this application is refused.

Recommendation: - Refusal

REASONS

- 1. The applicant has not justified the removal of the 9 Sycamore trees. The Local Planning Authority is of the opinion that alternative pruning measures can be taken to remedy any significant problems the trees may have. The trees appear to be healthy and contribute to the visual amenity of the area. Consequently, this proposal would conflict with Policy EV8 of the Ashfield Local Plan Review 2002.**