



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 30/06/2022

COMMITTEE DATE 20/07/2022 **WARD** Sutton St Mary's

APP REF V/2022/0379

APPLICANT Fraser McDermott

PROPOSAL Application for Tree Works: Works to Trees Subject to a Tree Preservation Order - TPO Ref:178 - Fell 7 Trees T1-T7, Pollard to 5M, 3 Trees T8-T10, Plus Ongoing Maintenance Authority TPO Ref:086 Fell 4 Trees T9-T12

LOCATION 105A, Alfreton Road, Sutton in Ashfield, Notts, NG17 1FJ

Web Link <https://www.google.co.uk/maps/place/105A+Alfreton+Rd,+Sutton-in-Ashfield+NG17+1FJ/@53.1221713,-1.2774755,18z/data=!4m5!3m4!1s0x48799426d7152b31:0x343c299402b3b217!8m2!3d53.1221713!4d-1.2767017>

BACKGROUND PAPERS A, B, C & K

App Registered 06/06/2022

Expiry Date 31/07/2022

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

This application has been referred to Planning Committee by Councillor Tom Hollis on the grounds of highway safety and ecological implications.

The Application

The application in question relate to a proposal of comprehensive tree work around the property. The tree works in question benefit from Tree Preservation Orders (TPO's) and as such, are deemed to provide a positive visual contribution to the area. This protection, where appropriate, ensures that their visual contribution to the surrounding locality is retained. The Order also prohibits any work being completed to these trees without prior permission from the Local Planning Authority.

There are a total of two protection orders that are affected by the proposed tree work, TPO Ref:178 & TPO Ref:086. TPO 178 protects a row of trees on the western boundary of the application property, alongside a cluster of trees along the frontage of the application property and 107 Alfreton Road. TPO 086 protects trees on the

frontage and eastern boundary of 105 Alfreton Road. The protected trees on the frontage of these properties provide a strong visual contribution to the area.

A variety of tree work has been proposed with this application, I will set out a table below that will easily show the extent of the tree work proposed.

TPO Reference	Type of Work Proposed	Tree Number (T)
TPO Ref: 178	Fell	T1-T7 (7 Trees)
TPO Ref: 178	Pollard to 5 metres	T8-T10
TPO Ref: 086	Fell	T9-T12 (4 Trees)

Consultations

Site Notices have been posted together with individual notification of surrounding residents. The following responses have been received:

Residents Comments:

A total of 19 representations were made by residents in respect of this application. 15 of those were in support of this application, 4 had objections towards the proposal. I will set out below a summarisation of the points raised both in support and objection of the application.

Points Raised in Support

- Dwellings that are near these trees encounter vast amounts of shading due to the large canopies of the trees.
- The trees cause nuisance by coating cars and windows in sap. They also produce large amounts of pollen.
- During autumn the heavy leaf fall is a nuisance to residents.
- Due to the large size of the trees, during periods of high winds there are concerns these trees could fall or cause damage.
- Larger vehicles travelling down Alfreton Road often collide with the branches overhanging onto the road.
- The pavement and boundaries have been damaged by the tree roots.
- The trees visually dominate the area and make the area look untidy.
- The felling of the trees will improve the visual amenity of the area.
- The tree branches are touching properties.

Points Raised in Objection

- The trees provide a positive contribution to the visual amenity of the area.
- They act as a sound barrier to the busy road
- They support local wildlife & habitats
- Other tree work could be completed to the trees without the need of felling.

- The trees provide privacy for the properties behind them.

ADC’s Arboriculture Officer:

No justification has been submitted for the proposed works in terms of arboriculture.

Claims have been made that the trees would shade solar panels fitted onto the property however there is no evidence to support this.

Alternative pruning works could be acceptable to the trees. The trees provide a great visual contribution to the area and their felling would cause great loss of public visual amenity and therefore refusal is recommended.

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)

- ST2 – Main Urban Area
- EV8 – Trees and Woodlands

National Planning Policy Framework (NPPF) (2019)

- Part 15 – Conserving and Enhancing the Natural Environment

Relevant Planning History

Application Reference	Description	Decision	Decision Date
V/1994/0755	Pruning of 1 Tree	Conditional Consent	04/01/1995
V/2000/0052	Pruning of 14 Trees	Conditional Consent	23/03/2000
V/2004/0231	Pruning of Lime & Sycamore Trees	Conditional Consent	15/04/2004
V/2011/0506	Pruning Works to Eleven Trees and Felling of One Tree	Conditional Consent	01/11/2011
V/2015/0703	Fell One Aesculus, Pollard Two Tilia and Crown Lift Four Acer Trees	Conditional Consent	24/12/2015
V/2019/0091	Prune Sycamore	Conditional	22/07/2019

	Trees Subject to Tree Preservation Order 178	Consent	
V/2021/0332	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order TPO Ref No. 178 - Fell 9no. Sycamore Trees	Conditional Consent	26/07/2021
V/2022/0100	Application for Tree Works - Works to Trees Subject to a Tree Preservation Order No.86 - Pollard to 8m (T10)	Refused	13/04/2022

Summary

The trees subject to this application predate the property in question and are an asset to Alfreton Road. The large trees provide a great positive visual contribution to the area when travelling east/west on Alfreton Road and provide a natural ethos to an otherwise uninteresting street scene.

It is not contested by the local planning authority that the trees need work so that the branches are not significantly overhanging onto the highway and touching properties in the nearby vicinity however, felling of trees should only be considered when pruning does not offer a reasonable solution, such as dead or diseased trees.

The applicant has not provided any clear justification or evidence in terms of arboriculture on why these trees should be felled. The fact that the applicant has improved the efficiency of their home which equates to the 'planting of 15.66 trees' does not constitute a material planning consideration and does not justify a real reason as to why the trees should be removed.

It is clear to see from the planning history that there has been relatively consistent and comprehensive maintenance of these trees, especially in the late nineties and 2000's. If a comprehensive maintenance plan was devised and submitted, the applicant would be able to achieve a balance of keeping the trees at a reasonable height and spread, but whilst also still achieving the great visual amenity benefits that these trees provide to Alfreton Road.

Conclusion:

In conclusion, the applicant has not provided evidence or any justifiable reasons as to why these trees should be felled. The local planning authority does not object to reasonable and justified pruning works taking place, but the removal of these trees will destroy a significantly valuable asset to the street scene.

Recommendation: - Refused

REASONS

1. The applicant has not provided significant arboricultural evidence or justification to the removal of the 11 trees and the pollarding of the 3 trees on the site. Furthermore, the trees provide a great visual contribution to the street scene and their removal would significantly diminish the attractiveness of the street scene.