



COMMITTEE DATE 23/09/2022 **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

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 was originally referred to Planning Committee by Councillor Tom Hollis on the grounds of highway safety and ecological implications.

The Application

The application was deferred by members at the July planning committee as it was deemed more information was required in support of the application and a site visit was to be made by members.

Summary

Following the planning committee meeting Mr Fraser McDermott was contacted and he was requested to submit :

- An arboricultural assessment of each individual tree subject to work as part of this application.
- An arboricultural assessment of each individual tree to be retained (not part of this application).
- Details of other plantings on the site.
- A structural report of any reported damages to walls/buildings, to be completed by a structural engineer.
- Based on the wild life claims Mr McDermott made at the meeting and as specifically requested by members an ecology survey of the site.

Mr McDermott replied confirming that he would not be supplying any further detail in support of this application. He stated that an arboriculture study had already been completed and

submitted as part of the application. The structural damage is on NCC pavements not the site and therefore not for an individual to survey, no additional structural damage was given as a reason for the works. Photographs, the submitted supporting information and a site visit should be sufficient for the committee to make its decision. In respect of the wildlife study he claims there has been no suggestion that the site is one of ecological importance at any time. To the best of his knowledge there are no specific wildlife concerns or any current wildlife on site. He concludes with any works undertaken will respect the bird nesting season.

The applicant has previously stated in his submissions that 'this application is not made based on sound arboriculture grounds' and he submitted an 'amenity assessment' from 2018 which is 4 years old, outdated and therefore has minimal significant or material considerations in relation to this application. As no extra arboriculture report has been provided, officers find themselves in the same situation where the applicant has not provided reasonable arboricultural justification for the removal of these trees or any further information relating to trees which are to be retained or in respect of what other plantings are proposed at the site.

The application in question relates to a proposal of significant and comprehensive tree work within three neighbouring properties, covered by two Tree Preservation Orders. One property is the applicant's, one is a neighbouring veterinary business and the other is an empty property. All the trees in question are protected 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 carried out to these trees without prior permission from the Local Planning Authority.

Without full detailed information it is inappropriate to try to assess the proposed works and the ramifications and implications if allowed. The lack of a recognised arboricultural assessment would set a precedent for others to follow, if there is no arboricultural justification the proposed works should not be accepted.

The applicant has made numerous claims in respect of these trees but these are either retracted or no evidence is supplied. The claims include that the trees would shade solar panels fitted onto the property however there is no evidence to support this. The trees are 'damaging walls and roofs of properties', no evidence is submitted to support this. The applicant claimed there were many protected species within the site but has since retracted this claim. The authority can not be sure without a full ecological survey that the tree work would not significantly dismantle habitats within the local area, alongside making sure the work would not displace any possible protected species such as bats and badgers etc.

In assessing all of these matters it may be found the works are appropriate or it may conclude lesser works would be more balanced solution which would benefit the visual amenities of the area, the local wild life and residents amenities. It is not contested by the officers 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 trees provide a great visual contribution to the area and their felling without clear justification would cause a great loss of public visual amenity and therefore refusal of the proposal is recommended.

On inspection of the planning history it is clear there has been consistent and comprehensive maintenance of these trees, especially in the late nineties and 2000's. If a comprehensive maintenance plan were 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. It is recognized the applicant does not own the trees in the adjacent properties, but such a proposal could be formulated for the trees on his site and on the adjacent business. Any owners of the adjacent site could benefit if a plan were in place.

If members, notwithstanding the above, are minded to approve the proposed works, policy EV8 states that where trees are lost, replacement or mitigating planting will be required. Due to the large nature of the trees, it is considered that extra heavy standard trees should be planted in this instance to comply with policy.

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: - Refuse consent for the following reason

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. The application is therefore considered contrary to policy EV8 of the ALPR 2002.

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

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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

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 Trees Subject to Tree Preservation Order 178	Conditional Consent	22/07/2019
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

- 2. 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.*