

PLANNING COMMITTEE – 25th August 2020

Reference Number: 20/00376/TPO

Application expiry: 31 July 2020

Application Type: Works to protected trees subject of a Tree Preservation Order (TPO)

Proposal Description: Application to fell 2no. Ash and 1no. Sycamore covered by NEDDC TPO No.57 (A1)

At: 156 Holymoore Road, Holymoorside, S42 7DS

For: Mr Trevor Coates

Third Party Reps: 10+ objections and 2 supporting comments

Parish: Holymoorside & Walton

Ward: Brampton & Walton

Report Author: Kevin Figg

Date of Report: 10 August 2020

MAIN RECOMMENDATION: Grant, subject to conditions

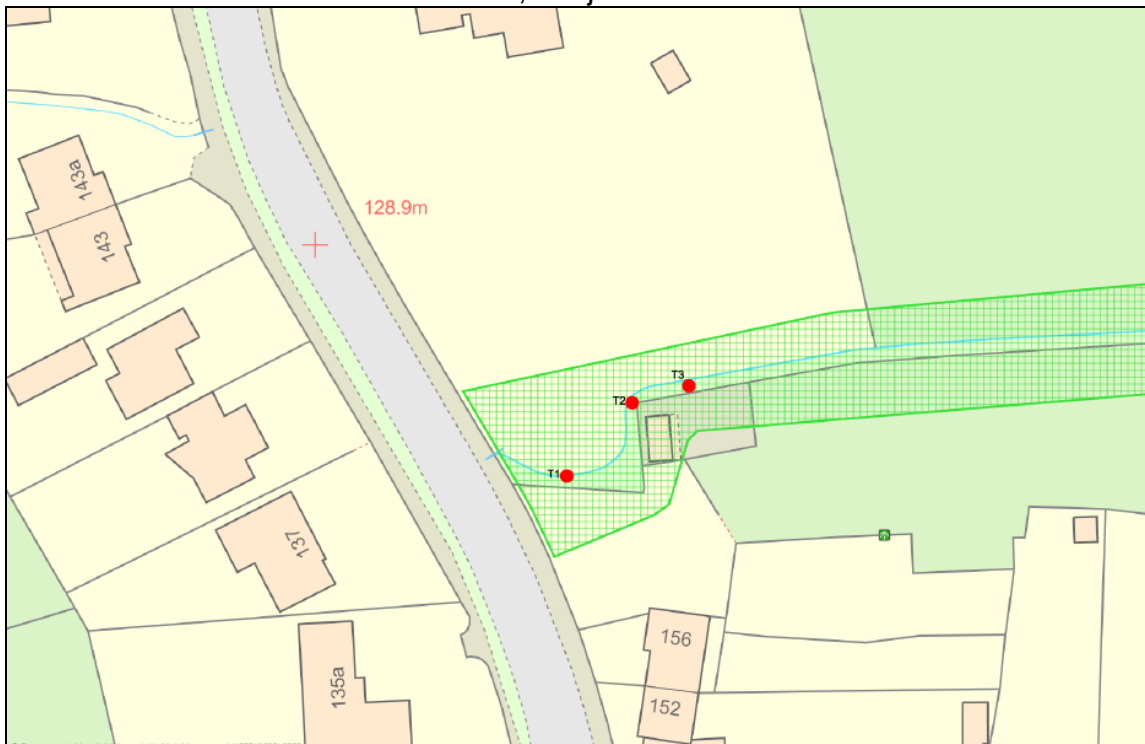


Fig 1: Plan of site with trees identified for works with T1, T2 & T3. The green hatched area is the wider area TPO area.

1.0 Reason for Report

- 1.1 There have been 10 letters of objection received from local residents raising concerns regarding the proposed felling of protected trees and 2 letters in support. A local ward member has requested that the application be decided by planning committee to allow members of planning committee to assess the amenity value of the trees on site. Members of planning committee are therefore required to determine the application in line with the Councils constitution.

2.0 Proposal and Background

- 2.1 The three trees, the subject of this application, 2no Ash and 1no Sycamore are growing adjacent to the watercourse that forms the northern boundary of the applicant's property.
- 2.2 The trees form part of a group of trees (A1) either side of the watercourse that are covered by NEDDC Tree Preservation Order (TPO) 57 made in 1988.
- 2.3 A tree assessment has been submitted by EcoTreeCo Ltd in support of the application describes the three trees as follows:

T1 – Ash tree – in severe decline with little foliage, tree is in falling distance of highway;

T2 – Sycamore – exposed roots due to water erosion and the footings of an existing outbuilding, thick Ivy throughout the canopy and the tree has a slight lean towards the newly built property to the north;

T3 – Ash tree – small cavity and rot at base of tree, a large limb overhangs the outbuilding putting excessive stress on the base, heavy Ivy throughout the tree.

- 2.4 The current proposal is to fell all three trees because of their poor condition.

3.0 Relevant Planning History

- 3.1 08/00134/TPO – an application to fell a Acer tree due to its poor condition was approved and a replacement tree requested - a Hornbeam was subsequently planted elsewhere on site.
- 3.2 19/00801/FL – an application for a new dwelling to the north of the current application site was approved under delegated powers 04/12/2019.

4.0 Consultation Responses

4.1 **Parish Council** – raised no comments.

4.2 **Council Parks Officer** – raised no objections to the felling of the three trees.

5.0 Representations

5.1 The **Local Ward Members** objected to the felling of any trees that is not considered necessary and requested that the application be presented to Planning Committee.

5.2 Comments have been received from neighbouring residents with the following **concerns**:

- An aboricultural impact assessment submitted as part of planning approval 19/00801/FL for the adjacent new dwelling suggested that the three trees the subjects of the current application were category B, with a life expectancy of 20-40 years (*Officer note: Each application is considered on its own merits. An assessment of the trees in question has been made below.*);
- The trees add to the village feel and there is no good reason why they should be felled (*Officer note: This is considered in the assessment below.*);
- Protected trees have already been felled on the adjacent site without consent (*Officer note: This is not material to the determination of this application.*);
- An independent view of the condition of the trees by an appropriately qualified person should be obtained (*Officer note: Comments have been sought from the Councils Parks Officer, these comments are considered in the assessment below.*);
- Is Mr Coates (the owner of 156) the actual applicant for this application (*Officer note: Officers have met with the applicant on site*);
- It is unacceptable that trees should lose their protected status because a new dwelling is constructed near to them (*Officer note: Any replacement trees approved, by virtue of being inside the TPO area, will also be protected.*);
- The trees need to be maintained not felled (*Officer note: The application is for the felling of these trees and has been considered accordingly.*);
- The trees provide a level of privacy for surrounding properties (*Officer note: This is considered in the assessment below.*);
- Removal of the trees will impact on the natural infrastructure (*Officer note: This is considered in the assessment below.*);

- The importance of retaining the rural landscape is set out in the Neighbourhood Plan (*Officer note: This is considered in the assessment below.*);
- If the trees are so dangerous as to require felling, the applicant could have carried out emergency work under procedures set out in the appropriate legislation (*Officer note: This is not the case, as it is not considered that these trees are dead or an immediate danger.*);
- The retention of protected trees is important if NEDDC is to comply with policies GS5 and H12 of the adopted Local Plan (*Officer note: this is considered in the assessment below.*);
- The tree assessment report submitted in support of this application recommends the felling of T1 only (*Officer note: the application is for the felling of these trees and has been considered accordingly.*).

5.3 Comments have also been received from local residents in **support** of the application:

- For safety and to improve the future visual amenity of the area, these three ailing trees should be removed and replaced with properly spaced younger native trees (*Officer note: This is considered in the assessment below*);
- The viability and affordability of preserving the three trees as suggested by objectors is questionable;
- It is clear from tree specialist reports and the comments of the Council's Parks Officer that the trees are diseased and decayed and should be removed and replaced by suitable new replacement trees.

6.0 Relevant Policy and Strategic Context

6.1 Adopted North East Derbyshire District Local Plan
NE7 (Protection of trees and hedgerows)

6.2 Emerging North East Derbyshire District Local Plan

The emerging Local Plan was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in Autumn 2020, with Plan adoption by the beginning of 2021. The emerging Local Plan is therefore at an advanced stage and the following policy should be attributed appropriate weight in decision making.

SDC2 (Trees, Woodland and Hedgerows)

6.3 National Planning Policy Framework

The overarching aims of the revised National Planning Policy Framework (NPPF) are also material in the assessment of this application.

6.4 Neighbourhood Plan

The Holymoorside and Walton Neighbourhood Plan (HWNP) was adopted on 23 November 2017 and the following policy should carry weight in any decision:

NE3 (Trees and Woodland)

6.5 The Town and Country Planning (Tree Preservation) (England) Regulations 2012

The above regulations and the purposes for the making of a Tree Preservation Order are material in the assessment of this application.

7.0 Planning Issues

7.1 Policy NE7 of the adopted Local Plan and the equivalent policy SDC2 of the emerging Local Plan require that where trees, woodland or hedgerows are lost to development, and this is considered to be acceptable, suitable replacement planting on site where it is practicable to do so, or off-site where not, will be required.

7.2 Policy NE3 of the HWNP requires that development proposals which may adversely affect trees and hedgerows of good value should be accompanied by an independent survey that establishes the health of any affected tree. Where trees are to be felled, equivalent replacement tree planting will be sought.

7.3 Once a Tree Preservation Order has been made and confirmed, no person shall cut down, top, lop, uproot, willfully damage or willfully destroy any protected tree without the written consent of the Planning Authority and, where such consent is given subject to conditions, in accordance with those conditions.

7.4 An application has been submitted to fell three of the trees, 2no Ash and 1no Sycamore, covered by NEDDC TPO 57 (A1) under the above regulations. The following assessment will consider whether or not the submitted application is acceptable in terms of the potential impact on the public amenity value of the group of trees protected by the above TPO and

whether any identified harm can be offset by appropriate conditions in accordance with the above regulations.

- 7.5 The three trees the subjects of this application, identified as T1, T2 and T3 above, are part of a larger group of trees (A1) located to the east of Holymoore Road, growing on either side of the watercourse that borders the applicant's land, and covering an area of approximately 2000sqm. There are approximately 20 trees in total within the protected group including some large mature trees, such as the ones the subjects of this application.
- 7.6 This group of trees are visually prominent from public viewpoints along Holymoore Road and can be seen from Greendale Avenue, with views northwards between the dwellings, and from the public footpath (PROW 32) that runs east-west to the south of the applicant's property. It is considered that this group of trees have high public amenity value and overall make a positive and important contribution to the appearance and character of this part of Holymoorside village.
- 7.7 Notwithstanding the above, it is considered that the three mature trees subject of this application (T1, T2 and T3) are in poor condition and are all suffering from dieback or decay to some degree and an associated lack of vitality. It has been suggested by third parties that unspecified maintenance of the trees would help prolong their lives and would be preferable to their felling. It is Officer opinion that the trees are not outstanding specimens in their own right and appear to be nearing the end of their productive lives. The Councils Parks Officer is in general agreement and raises no objections to the proposed felling of these trees. Their loss would have some impact on the immediate amenity value of the group as a whole but can be mitigated in the longer term by appropriate replacement planting.
- 7.8 It is therefore considered appropriate in this instance to recommend approval for the felling of these three trees with a condition requiring their replacement with suitable 'heavy standard' native tree specimens. This will help ensure that although there will be a short term loss, the public amenity value of this group of trees will continue to benefit the residents of Holymoorside for many years to come. With appropriate positioning, the three replacement trees would be protected by the existing Tree Preservation Order.

8.0 Summary and Conclusion

- 8.1 The current application is for the felling of three trees, 2no Ash and 1no Sycamore, covered by NEDDC TPO number 57 (A1) and located on the applicant's property. It is considered that, given the overall poor condition

of the three trees, the felling of the trees and their replacement by suitable 'heavy standard' native tree specimens, is appropriate in this instance and should help ensure the continued public amenity value of this group of trees for future generations.

9.0 Recommendations

9.1 Planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be started within 2 years from the date of this permission.

[Reason: For clarity and the avoidance of doubt.]

2. The work shall be carried out in accordance with the appropriate recommendations contained in BS 3998: 2010 (Tree Works).

[Reason: In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire.]

3. Upon completion of the works hereby approved, all branches shall be removed and the site left in a clean and tidy condition.

[Reason: In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire.]

4. Within 28 days of the consent hereby approved and prior to the felling of the three trees, details of the size, location and species of suitable 'heavy standard' replacement trees shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in the next planting season in accordance with the approved details and retained in that position thereafter.

[Reason: In the interest of the appearance of the area and in accordance with policy NE7 of the North East Derbyshire.]