

APPLICATION NO	PA/2009/0638
APPLICANT	Mr R Snell
DEVELOPMENT	Consent to fell three semi-mature sycamore trees and pollard a yew tree within group G4 protected by Tree Preservation (Thorne Lane, Goxhill) Order 1989
LOCATION	Robins Nest, 14 All Saints Close, Goxhill
PARISH	GOXHILL
WARD	Ferry
SUMMARY RECOMMENDATION	Grant consent subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Goxhill Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy LC12 (Protection of Trees, Woodland and Hedgerows) states that particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas.</p> <p>Policy DS1 relates to general requirements to be taken into account on all applications, including the need to protect features of conservation interest, including trees and woodland the subject of tree preservation orders.</p>
CONSULTATIONS	Highways: No objection.
PARISH COUNCIL	<p>The parish council object to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • The trees must have reached their height and maturity before the house and conservatory were built. • There is no evidence the trees are dangerous. • Restriction of daylight is not sufficient grounds for removal of the trees. • The trees have considerable amenity value and their removal would set a dangerous precedent.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No representations have been received.

ASSESSMENT

This application seeks consent to fell three semi-mature sycamore trees on the grounds that their close proximity to property restricts available natural light into habitable rooms. Also the trees have structural defects and are of low amenity value. It also seeks consent to pollard a yew tree to promote healthy regrowth.

The main issue in determination of this application is whether the trees offer such amenity to the locality that the concerns of the applicant should be rejected.

All the trees referred to in the application are protected by Tree Preservation (Thorne Lane, Goxhill) Order 1989, and are situated in the south-westerly-facing rear garden of 14 All Saints Close, Goxhill.

The yew tree is in decline and the proposal to pollard the tree seeks to rejuvenate growth and is in line with good arboricultural practice aimed at preserving the tree.

The three sycamore trees proposed to be removed are semi-mature. Importantly they are of very poor form, architecture and geometry and have a number of defects which render them unsuitable for retention in this location:

- Two trees are multi-stemmed, branching into three stems at or slightly above ground level. Included bark is present at the point of stem division, indicating a point of weakness caused by a poor union between stems.
- Two trees have significant basal sweep, that is the stems are bent at the base. This, again, is a structural weakness and a point of stress in the stem.
- On the lower 2 metres of the stems, all trees show multiple signs of previous pruning wounds and scars which have not occluded.
- The stems of the three trees are very close together, between 1 and 2 metres, and approximately 4.5 metres from habitable rooms.

Whilst the trees are not immediately dangerous, the defects lead to consideration of the future safe useful life expectancy of these trees. At best this can only be estimated within a range of years. In realistic terms, long, medium and short are probably the finest divisions that

can be achieved with a reasonable degree of consistency. Under normal circumstances, sycamore trees could be expected to have a long safe useful life expectancy, however given the circumstances of these particular trees, they would be expected to have a short safe useful life expectancy.

The council's tree officer acknowledges and is mindful of the parish council's comments. However the particular circumstances of this case – that the trees have such defects giving rise to a short safe useful life expectancy, combined with the effect the trees have on the reasonable enjoyment of the applicant's property – lead to a recommendation that the application should be approved.

RECOMMENDATION

Grant consent subject to the following conditions:

1.

All work shall be carried out in accordance with BS3998:1989 'Tree Work'.

Reason

To ensure the work is carried out to an appropriate standard.

2.

Within 12 months of the date of the felling of the three sycamore trees, or within such extended period as the local planning authority may allow, one tree of a species to be agreed in writing beforehand with the local planning authority shall be planted in the same or similar location as the trees which are the subject of this consent. The new tree shall have a minimum girth of 12-14 centimetres on planting.

Reason

To ensure replacement planting is undertaken in the interests of visual amenity.

3.

The tree, when planted, shall be adequately staked and tied and protected by a sleeves.

Reason

In the interests of good arboricultural practice.

4.

For a period of two years from the completion of planting, the tree, together with its stake, tie and sleeve, shall be adequately maintained and during that period all losses made good.

Reason

To help the tree become established, and to ensure it is replaced if it fails.

5.

Work to the yew tree (identified as Yew 2 on the applicant's plan) shall be limited to pollarding at a height of between 4 and 5 metres.

Reason

To define the extent of the work permitted in the interests of good arboricultural practice.



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Highways and Planning Service

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