

Application Ref: 12/00983/CTR

Proposal: Section 211 Notice, Conservation Area application: Removal of all Norway Spruce trees apart from 1 row closest to the eastern boundary at 14 Russell Hill, Thornhaugh PE8 6HL

Referred by: Head of Planning, Transportation & Engineering

Reason: Level of public interest

Case officer: John Wilcockson

Telephone No. 01733 453465

E-Mail: john.wilcockson @peterborough.gov.uk

1 Summary/Outline of the Main Issues

In line with Section 211 of the Town & Country Planning Act, a Notice to fell Norway Spruce trees protected by Thornhaugh Conservation Area has been submitted.

The main considerations are:

- Are the works arboriculturally appropriate, and if not, are the trees worthy of protection by way of inclusion into a TPO?

The Head of Planning, Transportation & Engineering recommends that the Planning Service raise no objections to the works.

2 POLICY

Decisions must be taken in accordance with the Policy and Legislation below.

Peterborough Trees & Woodlands Strategy 2012, Policy PP 1 - *There will be a presumption against the cutting down, topping, lopping or uprooting of any tree subject to a Tree Preservation Order (TPO) or tree within a Conservation Area, worthy of TPO status...*

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. *Section 211 Notice to carry out works to trees within a Conservation Area.*

3 Description of Site and Surroundings

There are in excess of 20 Norway Spruce trees located within the garden of 14 Russell Hill, Thornhaugh on the eastern strip between the side of the house and the neighbouring garden of Montagu House. This strip is approximately 10 metres wide by 30 metres long. Although the house is built in a cul-de-sac, the trees can be seen from both Russell Hill in Thornhaugh and the A47 heading west.

4 Planning History

- 07/01268/FUL – Construction of 2 dwellings was granted.
- In 2011, the owner of the land removed some of the Norway Spruce trees to increase parking at the property. The matter was investigated by the Case Officer and the Enforcement Team. No action was taken because it was concluded that the works would have been approved if they'd

been applied for. It is an offence to carry out works to trees in a Conservation Area without first submitting a Section 211 Notice, as such, the owner was instructed to plant 3 replacement trees.

- 12/00171/CTR – Notification to fell all Norway Spruce trees. This application was withdrawn following objections from local residents and the Parish Council.

5 Consultations/Representations

The Section 211 Notice consultation period is due to close on the 24th July, a further update on representations received will be given at the meeting. Whilst it may appear that this report has been prepared prematurely, the Council only has 6 weeks to determine Conservation Area tree works Notices and this makes it difficult to fit in with committee schedules.

INTERNAL

None yet received.

EXTERNAL

None yet received.

NEIGHBOURS

An email has been received from the owner of the adjacent property objecting on the following basis:

- Loss of visual screening and serious visual intrusion from both the house and the garden.
- Aside from 3 trees that were removed as part of the approved layout, the remaining trees were to be retained.
- With the issue of the tree felling in 2011 without consent, there is a need under Enforcement for the trees to have been left in place and that the agreed number of 3 replacement trees were insufficient.
- Why has the owner submitted applications to remove the trees if there is no planning condition?

COUNCILLORS

Councillor John Holdich objects to the Notice on the basis of the loss of boundary treatment and that the issues with the trees could be resolved with appropriate management.

6 Reasoning

Introduction

Consideration of Section 211 Notices

In a Conservation Area, all trees above 75mm diameter measured 1.5m from ground level are automatically protected.

Under Section 211 anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the Planning Service six weeks' prior notice (a 'section 211 notice').

The purpose of this consultation period is to give the Planning Service an opportunity to consider whether the works are arboriculturally appropriate and if the trees are worthy of TPO protection.

Tree condition

The trees are approximately 30 years old with an average height of around 10-12m. A number of the smaller trees have been shaded out by more vigorous specimens although all trees are in poor health. The health of the trees is more than likely due to the fact that they have been planted on clay soils. As a

species, Norway Spruce do not grow successfully on clay soils due to the extreme physiological changes between winter & summer soil condition of drought & saturation. These extreme shifts of waterlogging & drought bring about stress in the trees from which they do not recover. The weather patterns over the last 3 years will, without doubt, have exacerbated this problem.

It is estimated that due to their overall condition, within 20 years, there will be very few trees still alive.

Landscape value

The trees can be seen on approach to & exiting the village and they have some screening benefits for Montagu house and properties on Meadow Lane. The trees can also be seen from the PROW that enters Meadow Lane from the south. The trees can be seen from the A47, but, as there is no footpath alongside the A47 itself, the loss of the trees will not be detrimental from this viewpoint. Equally, the majority of the views from the A47 will be from a car and as such, consideration should be given in landscape design terms to road speed – at 50mph; the trees are far enough away that their loss will not be an impact visually to road users.

Are the works necessary and do the trees Merit a TPO?

Given that the trees are not cited as being in a dangerous condition, nor causing physical problems to the adjacent property, the proposed felling is not required. Therefore the decision rests on whether the trees are worthy of a TPO. The trees meet the part of the assessment in terms of the visual amenity value in respect of views from a public place. However, the trees are in poor health and do not have a long life ahead of them. For this reason, it is considered that it is inappropriate to serve a TPO.

In response to the objections the Case Officer makes the following points in rebuttal:-

- The loss of these trees will result in visual intrusion; however this is not a factor that can be considered when determining the application. In any event, the trees are such poor condition that whilst there is no doubt that they offer some softening and screening properties, the crowns are so thin that they are an ineffective visual barrier.
- The felling of the trees in 2011 was a breach of Conservation Area regulations only, there was no Condition applied on the Planning Permission for the dwelling that required the trees to be retained.
- With regards to replacement trees, the available planting space could only accommodate 3 trees considering future growth.
- The owner has to submit applications for the trees as the property is within the Conservation Area.

7 Conclusions

It is the opinion of the Case Officer that no objections should be raised to the Section 211 Notice for the following reasons:-

- The trees are not worthy of a TPO due to their poor condition and the fact that they have an estimated life expectancy of less than 20 years.
- If a TPO is served and the owner thereafter applies to fell, and the application is duly refused, it is the Case Officer's opinion that due to the condition of the trees; the Planning Service would lose on appeal.
- The trees are too close to the building and cannot remain in that location without pruning works, which would reduce their visual amenity value.

8 Recommendation

The Head of Planning, Transport & Engineering recommends that NO OBJECTIONS are raised to this Section 211 Notice and therefore the trees can be felled.

Copy to Councillor John Holdich OBE and Councillor Diane Lamb

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