

Allerdale Borough Council

Planning Application WTPO/2020/0023

Development Panel Report

Reference Number: WTPO/2020/0023
Valid Date: 13/08/2020
Location: Hill Farm , Causeway Road, Seaton
Applicant: Trustees of the Copsey family Trust
Proposal: Works to TPO
Propose to remove the following trees to avoid safety issues etc to the neighbouring dwelling.
Remove Ash, T1 and T5 and plant replacement trees

RECOMMENDATION

That the application for the felling of the 2 Ash trees is granted subject to a condition securing the planting of 2 replacement trees.

1.0 Summary

<u>Issue</u>	<u>Conclusion</u>
Amenity value	The trees were protected as part of a cluster of mature individual trees within the grounds of Hill Farm which are of amenity value as a landscape feature within the streetscene.
Justification	The loss of the trees is on the grounds of evidence of Ash dieback which results in these two trees representing a safety threat to the occupiers of the neighbouring bungalow (1a Causeway Rd, Seaton)

2.0 Introduction

2.1 On 5/1/18 a tree preservation order (TPO/1/2018) was made following the felling of a mature tree on the eastern perimeter of Hill Farm's grounds. The TPO was made as a group designation and was modified during the course of the assessment deleting the individual tree T6 from the order due to concerns about its health. The final confirmed TPO group designation comprises of 7 Sycamore trees (ref: T2, T3, T4, T7,T8, T9 and T10) and 2 Ash trees (ref T1 and T5)

2.2 Further to members' recent planning concerns on the proposed tree works to this same TPO under the housing application 2/2018/0493, (which had prompted local representations), officers considered it would be logical for members to also evaluate and determine this separate tree works application at the same meeting of the Development Panel. However it is highlighted that this application is independent from the planning application and should be assessed on its individual merits.

3.0 Proposal

3.1 The details for consideration under WTPO/20/0023 are:-

- Application form dated 12.08.20
- Arborocultural statement dated 5/08/21
- Site location plan
- e-mail dated 2/12/2020 omitting T6, T7 and T8 from the treeworks application.

These details can be found here;-

<https://allderdalebc.force.com/pr/s/planning-application/a3X3X000004DFAWUA4/wtpo20200023?tabset-e3f5c=2>

4.0 Site

4.1 The application site is located within the surrounding grounds of Hill Farm, causeway road, Seaton. The protected trees form a line on the western and southern boundaries of the site.

4.2 The neighbouring land to the south is occupied by a residential bungalow (1a Causeway Road).

5.0 Relevant planning History

5.1 The current tree works application were prompted by a complaint from the neighbouring property expressing concerns on the safety implications of the neighbouring trees. Although these trees were surveyed as part of the housing planning application, they were resurveyed in response to the complaint and its findings form the basis of the current separate tree works application. Members may recollect that this current application was reported at the Panel's consideration of the housing application 2/2018/0493 which involves a separate range of proposed tree works to the same TPO group.

5.2 Tree T6 had been omitted from the made TPO due to an identified wound on the tree. This individual tree, irrespective of the wound, still had the potential to contribute to the landscape amenity. Subsequently, the Council made a separate TPO (TPO/2020/0014) to protect this individual Sycamore tree.

- 5.3 Officers highlight the amendment to the application as, originally, it proposed the removal of trees T6, T7 and T8 on the grounds that they did not significantly contribute to the visual amenity of the streetscene. However, these three frontage trees were subsequently withdrawn from this application following the Council's peer appraisal which alternatively concluded they were of amenity value. Thus this application solely relates to the proposed felling of two Ash trees (T1 & T5) on safety grounds.

6.0 Representations

Seaton Parish Council

- 6.1 Object to the felling of the TPO trees, with the designation being requested by the Parish Council. The trees form an integral part of the landscape of Low Seaton for over 100 years. Their felling would decimate the character of the village and the replacement trees would provide no compensation since it will take them a hundred years to reach the same size. Consider the proposed works are contrary to Policies S24, S32, S35 and DM17 of the Allerdale Local Plan Part 1 2014. Given the Council supported the arguments for the protection of the trees it seems obtuse to support any request for them to be felled which makes the registration process worthless. The Parish Council therefore seeks the request to fell be rejected.

Other representations

- 6.2 Fifteen letters of objection have been received against the application concerning:
- a) The trees are protected under a TPO.
 - b) Felling goes against Council policies towards protecting woodland.
 - c) Trees have been at the site since 1840 with few trees in the area.
 - d) Adverse impact on wildlife /ecology –bats, squirrels, birds etc.
 - e) The proposed works are to enable access to the proposed housing development
 - f) The trees were protected for good reasons concerning their amenity value.
 - g) The trees could be impacted by the drainage works for the housing development.
 - h) Previous loss of tree T13 prior to the Order was the only Class A tree at the site.
 - i) Similar comments to the supporting tree assessment details in the residential application.
 - j) Need for detailed survey (to avoid any rushed decision)
 - k) Reference to Woodland Trust's comments on Ash dieback on its symptoms, spread in Europe
 - l) Contrary to strategic objectives SO6a and planning policies S2 (Environmental), S24 (Green Infrastructure), S32 (Safeguarding amenity), S33 (Landscape) and S35 (Protecting and enhancing biodiversity) of the Allerdale local Plan (Part 1).

- m) Poor management of Cypress hedge on western boundary which is supposed to be retained as part of the future development scheme.
- n) Harm to the village character
- o) Loss of beautiful trees and severe visual impact on the appearance of the area.
- p) Lack of Allerdale's incorporation of Biodiversity in its Community strategy
- q) Loss of trees impacts on social/mental well being
- r) Reference to national Government's pledge; Environment Secretary, Michael Gove, appointed Sir William Worsley in 2019 to head national scheme to plant 12 million trees and stop needless felling with the need to consult the community on such works. Worsley advised trees are an important part of the community and transform landscapes, improve health and help the economy.

7.0 Legal background

- 7.1 The primary legislation relating to Tree Preservation Orders is the Town and Country Planning Act 1990 as amended by section 192 of the 2008 Planning Act. The 1990 Act provides the ability for secondary legislation to be made setting out the statutory framework for the making and confirming of Tree Preservation Orders. Currently this is the Town and Country Planning (Tree Preservation) (England) Regulations 2012 which came into force on 6 April 2012.

8.0 Development Plan policy

Allerdale Local Plan Part 1 (2014)

- 8.1 Policy DM17 – Trees, Hedgerows and Woodlands is relevant as are the accompanying supporting paragraphs. Paragraph 399 (on page 180) advises that trees will be expected to be replaced in a 2:1 ratio although the paragraph explicitly refers to where development resulting in the loss of trees, which is not the case here.

9.0 Other policy guidance

- 9.1 Following the publication of the National Planning Policy Framework (NPPF) in the government commenced the on-line National Planning Practice Guidance (NPPG) to replace guidance such as circulars. The NPPG is a live document that can be updated. In terms of assessing applications for works to/felling of protected trees, the NPPG advises as follows;-

“In considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in

support of it. The authority must be clear about what work it will allow and any associated conditions.”¹

9.2 The following paragraph² of the NPPG provides a series of bullet-pointed criteria for the Authority to consider;-

- a) Assess the [amenity value](#) of the tree or woodland and the likely impact of the proposal on the amenity of the area;
- b) consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- c) consider whether any [loss or damage](#) is likely to arise if consent is refused or granted subject to conditions;
- d) consider whether any requirements apply in regard to protected species;
- e) consider other material considerations, including development plan policies where relevant; and
- f) ensure that appropriate expertise informs its decision;
- g) assess the [amenity value](#) of the tree or woodland and the likely impact of the proposal on the amenity of the area;
- h) consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
- i) consider whether any [loss or damage](#) is likely to arise if consent is refused or granted subject to conditions;
- j) consider whether any requirements apply in regard to protected species;
- k) consider other material considerations, including development plan policies where relevant; and
- l) ensure that appropriate expertise informs its decision.

10.0 **Assessment**

10.1 The trees are considered to be prominent features which are clearly visible within the streetscape on Causeway Road and it is accepted that the trees are of amenity value. The grounds for undertaking the works to the 2 Ash trees is solely for safety. The applicant’s tree consultant’s report considers the trees T1 and T5 have been in decline since the initial survey in 2018. It considers these trees have been affected by Ash dieback with little leaf cover. They recommend felling given their current condition and likely future deterioration.

10.2 In order to evaluate the merits of this application the Council commissioned an independent peer assessment of the trees.

¹ Paragraph: 089 Reference ID: 36-089-20140306 Revision 6/3/14 Accessed at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

² Paragraph: 090 Reference ID: 36-090-20140306 Revision 6/3/14 Accessed at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

The conclusions of the assessment were:

- a) T1- Although the applicant's case was unsubstantiated it was confirmed the tree was displaying signs of Ash dieback with reduced vigour and minimal tree cover for the time of year, plus blackened lesions and discoloured veins within the leaves . Due to the proximity of the unrelated neighbouring property and that the Ash dieback will reduce the integrity of the tree it is recommended the tree be removed on safety grounds.
 - b) T6; this tree is showing greater signs of Ash dieback than that of T1 with lesions, leaf discolouration and epicormic growth. In addition there are signs of root plate movement, highlighting it has an overhanging branch over the neighbouring dwelling. It is therefore recommended that due to the condition and proximity of the neighbouring property that the tree should be felled on safety grounds.
- 10.3 The peer report disputed the application's initial claims relating to the inclusion of felling some frontage trees on amenity grounds which were withdrawn. It also recommended that, despite the cavity at the base of T6, it could be protected to allow for its long term retention.
- 10.4 The issues relating to the impact of the works on any protected wildlife species is specified and secured under separate legislation (Wildlife and Countryside Act 1981). In some instances a stem of a dying or dead tree is left still protected by the TPO for its wildlife value e.g. 3-5m of its trunk. However, it is considered that this would not result in any wildlife value of weight to be affect the overall balance of considerations in this case. It would also irrevocably and substantially reduce the amenity value of the trees and be unlikely to overcome the safety considerations given the proximity of the neighbouring property.
- 10.5 It is considered necessary, on the grounds of future amenity value that replacement trees are secured by condition. The number of replacement trees has been carefully considered by officers with particular regard to reasonableness and the proximity of the neighbouring properties. Although paragraph 399 of the Local Plan Part 1 specifies a ratio of 2:1 for trees lost as a result of a development proposal, this is not the case here and a 1;1 ratio is considered appropriate.

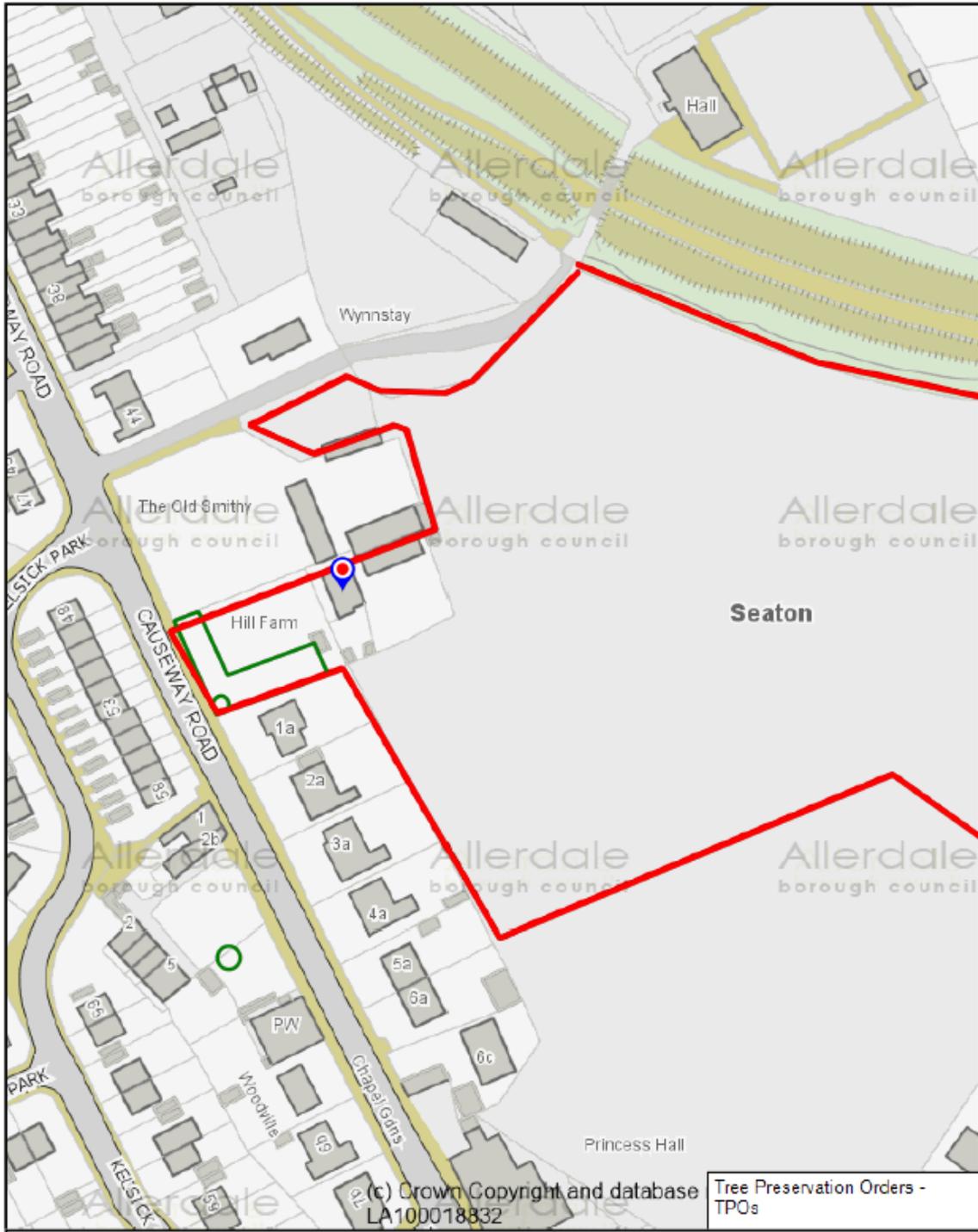
11.0 Conclusions

- 11.1. The important amenity grounds for the initial TPO is not disputed.
- 11.2 With the withdrawal of the frontage trees there is no overlap of felling works associated with the housing development. The two applications are therefore independent with their own bespoke grounds for undertaking their respective works.
- 11.3 This application has been amended during the course of its assessment omitting some of the trees from the schedule of proposed works. Given the findings of the

peer tree consultant's report on the safety concerns on the applications remaining 2 trees and that these works are neither directly related to the development or related to their amenity value, officers consider there are reasonable and valid overriding grounds for the removal of the 2 Ash trees subject to the replanting of two replacement trees.

RECOMMENDATION

That the application for the felling of the 2 Ash trees is granted subject to a condition securing the planting of replacement trees.



Tree Preservation Orders -
TPOs

