

PLANNING COMMITTEE - 2nd November 2022

RECOMMENDATION: Refused

APPLICATION No: DM/0833/22/TPO

APPLICATION TYPE: Works to a tree with a TPO

APPLICATION SITE: 22 Cooks Lane, Great Coates, North East Lincolnshire, DN37 9NW

PROPOSAL: Sycamore tree T1: Pollard to a 12inch stump

Reason: tree is approximately 2.5m from Building, shade to No.22, causing damage to driveway, roots go under property, making driveway and side lane unusable for parking vehicles due to bird droppings and sap, branches causing damage to house due to leaf fall blocking gutters, bird guano being trodden into house.

APPLICANT:

Mrs Yvonne Prest
21 Cooks Lane
Great Coates
Grimsby
North East Lincolnshire
DN37 9NW

AGENT:

DEPOSITED: 13th September 2022

ACCEPTED: 13th September 2022

TARGET DATE: 8th November 2022

PUBLICITY EXPIRY:

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Paul Chaplin

PROPOSAL

The application seeks permission to remove a Sycamore Tree at 22 Cooks Lane, Great Coates, Grimsby. The tree is protected by a Tree Preservation Order.

The application has been called in by Councillor Holland.

SITE

The site is situated towards the northern end of Cooks lane being the end one of a pair of

semi-detached Victorian cottages, situated within the historic core of the village and within the Conservation Order. Although Cooks lane is not a through road for vehicles it does lead onto a track, used by dog walkers, into open countryside and the village of Stallingborough beyond.

RELEVANT PLANNING HISTORY

See report.

BACKGROUND PAPERS

BS5837:2012 - Trees in Relation to design, demolition and construction - Recommendations **BS3998:2010** - Tree Work - Recommendations **National Tree Safety Group** - Common sense risk management of trees **Department Environment Transport Regions** - Tree Preservation Orders, a guide to the law and good practice

North East Lincolnshire Local Plan 2013-2032 (adopted 2018)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the area is comprised of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).

REPRESENTATIONS RECEIVED

Councillor Holland supports the application. It is considered that the tree needs to be removed as the house is too close to the tree, causes shade, could undermine the house which is a listed building, affect sales and increase insurance costs.

APPRAISAL

The tree stands at approximately 4m from the dwelling, although the canopy encroaches over the dwelling this is not excessive in nature. The Sycamore tree is more than 10m in height and has a canopy radius in excess of 4.5m from the base of the tree. Being situated towards the boundary with Cooks lane, to the side of 22 Cooks Lane, the Sycamore tree is a clear visible feature of this part of Cooks lane.

The Sycamore tree was the subject of a previous application to fell, DM/0944/21/TPO. Following a site visit the applicant was advised that whilst the reasons had some validity it could not be supported due to the loss of amenity. However the applicant was advised

that it was likely that an application to reduce the canopy would be supported to reduce the canopy spread and lift the canopy removing certain branches at the stem of the tree. DM/0944/21/TPO was subsequently withdrawn with the intention to submit an application to reduce the canopy as discussed. No application to reduce the canopy was submitted.

In a supporting statement with the application the applicant provides reasons for removing the tree. They are;

1. tree is approximately 2.5m from Building, shade to No.22:
2. causing damage to driveway, roots go under property:
3. making driveway and side lane unusable for parking vehicles due to bird droppings and sap:
4. branches causing damage to house due to leaf fall blocking gutters:
5. bird guano being trodden into house:

In responding to the reasons the following is noted.

1. It is not considered that the proximity to the house is an issue in this case and it is a little bit further away from the dwelling in any case.

2. Causing damage to driveway, roots go under property. It is accepted that there is displacement of the tarmac driveway, which is likely due to a single tree root. The applicant has provided no evidence to show that the tree roots do go under the foundation of the property itself or any damage is being caused. Therefore it is considered that root pruning would be a more proportionate and feasible approach to respond to the issues with the drive and potential future issues with the property.

3. Making driveway and side lane unusable for parking vehicles due to bird droppings and sap: It has been advised previously that a reduction in the trees canopy spread and removal of specific branches in order to ameliorate the issue of bird droppings would be supported. The applicant has provided no evidence of measures taken to deter birds from roosting in the tree. Cooks lane and its grass verges are part of the adopted highway. The Sycamores canopy encroaches over a relatively short section of Cooks Lane. It is considered that there are alternative places to park a vehicle on cooks lane that are not under the Sycamores trees canopy.

4. Branches causing damage to house due to leaf fall blocking gutters. It is accepted that the existing sycamore canopy is touching and encroaching over the dwelling to a limited degree. Again canopy reduction is recommended as opposed to removal. With regard to the issue of leaf litter this can be ameliorated to some degree via canopy reduction works as well. The cleaning of gutters is a standard maintenance practice for any property in such an environment.

5. Bird guano being trodden into house. It is considered that this can be addressed through household management and again does not justify the removal of the tree.

During the consideration of the application the applicant has provided further support for the removal reiterating damage concerns to the listed building, moss, shade and that replacement trees are proposed. However for the reasons already stated these do not justify removal of the tree.

Having regard to the above it is not considered that the removal of the tree is justified. The removal of it would mean the loss of a healthy mature tree. The loss of the tree is considered detrimental to the Great Coates Conservation Area and it is considered that insufficient supporting evidence has been provided.

CONCLUSION

Having regard to the above it is not considered that the removal of the tree is justified. The removal of it would be detrimental to the character and ambiance of the Conservation Area and this part of Cooks lane, and an extreme solution for the reasons given.

RECOMMENDATION

Refused

(1) The large Sycamore, being observed from Cooks Lane sits within the Great Coates Conservation Area and an area that is characterised by its tree cover. It is of high amenity value being prominent in the street scene, due to its size and form. The felling of this tree is an extreme solution at the present time as other forms of tree management are possible to alleviate many if not all of the reasons for felling this tree. The supporting evidence provided does not substantiate the claim that the only course of action is to remove the Sycamore tree.