

PLANNING COMMITTEE - 15th June 2022

RECOMMENDATION: Refused

APPLICATION No: DM/0345/22/TPO

APPLICATION TYPE: Works to a tree with a TPO

APPLICATION SITE: 23 Ferriby Lane, Grimsby, North East Lincolnshire, DN33 3NR

PROPOSAL: Beech - complete removal

APPLICANT:

Mr Kevin Hulme
23 Ferriby Lane
Grimsby
DN33 3NR

DEPOSITED: 20th April 2022

AGENT:

ACCEPTED: 20th April 2022

TARGET DATE: 15th June 2022

PUBLICITY EXPIRY:

AGREED EXTENSION OF TIME DATE:

CONSULTATION EXPIRY:

CASE OFFICER: Paul Chaplin

PROPOSAL

This Tree Preservation Order application seeks permission to fell a Beech tree at 23 Ferriby Lane.

It is presented to Committee at the request of Councillor Shepherd.

SITE

The tree in question stands within G1 of the Tree Preservation Order that covers the application site in totality as well as a strip of land that runs along the rear of 27 Pelham Avenue to the rear of 77 Pelham Avenue. There are three purple Beech trees within the application site, two of which stand either side of the main access of Ferriby lane with the Beech tree in question standing on the western boundary to 23A Ferriby Lane. Whilst all 3 Beech trees can be clearly seen from Ferriby lane it is only the Beech tree that is the subject of this application that stands as a focal point when viewed from Pelham Avenue and Fauconberg Avenue.

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

27A Parker Street, Cleethorpes - Objects to the application on the basis of a loss of a visually important tree, adverse impact on birdlife, that pruning of the tree could be carried and that no case has been made for its removal.

APPRAISAL

The application site stands within the Scartho Conservation Area and it is the Pelham Avenue/Ferriby Lane area that the tree cover is a distinct feature of the Conservation Area forming its character and ambiance. With the development of Scartho Top, Ferriby Lane has now become an established pedestrian route into Scartho Village as well a recreational walking route as there is now a defined route from Brookfield road via Ferriby lane to Mathew Telford Way and Scartho Road.

Whilst the Beech tree is set back from the applicants dwelling, the trees canopy does encroach over the neighbouring dwelling of 23A, this is due to the dwellings location as much as it is due to the trees size.

The reasons given for the removal of the Beech tree are:

1) Out grown its location 2) Applications to drastically reduce the trees size have been refused. 3) Issues with light even though it has been crown thinned 4) Issues with lots of bird droppings making the ground below unsanitary for children to play 5) Due to personal circumstances and disability the applicants find the physical leave collection and cost of pruning prohibitive.

The applicant has submitted a statement of support from the occupant of 23A Ferriby lane. There is one letter of objection to this application on file.

With regard to the reasons given the officer response to each reason is set out below.

1. Out grown its location:

Whilst the mature purple beech tree is certainly a large tree with canopy spread of approximately 7m to the north, 8m to the south and 8m to the east, 7m to the west the tree has stood in its present location as a large tree before 23A was built under its canopy. The garden of 23 Ferriby Lane is well proportioned, there being 27m to the boundary with 23A Ferriby Lane. Whilst the tree in question is a dominant feature in the garden it is not considered that the tree has out grown its location.

2. Applications to drastically reduce the trees size have been refused:

There has indeed been a refusal notice issued in relation to a canopy reduction under application DM/1063/15/TPO. The report outlining the case for a refusal makes it clear that the reason for refusing the application was the fact that a 30% canopy thin had been carried out under a previous application DM/0545/15/TPO and that to then carry out the canopy reduction as proposed would be considered excessive. There was no objection to the principle of the reduction simply the timing of the application. Moreover, permission was granted for a canopy reduction under DM/0158/20/TPO which was undertaken.

3. Issues with light even though it has been crown thinned:

It is accepted that by their very nature purple beech trees have a low and dense canopy often casting a heavy shade. However, in this instance the canopy starts at a substantial height above ground level and offers a much-reduced silhouette. It is considered that the works already carried out under DM/0158/20/TPO show that it is reasonable to manage the issue of shading via a canopy reduction regime.

4. Issues with lots of bird droppings making the ground below unsanitary for children to play:

The applicant mentions that the bird droppings are making it unsanitary for children playing below the canopy but no evidence to support this claim or evidence of what they

have done to dissuade birds from using the trees and or the degree of bird mess has been provided. It is not considered that this justifies the removal of the tree.

5. Personal circumstances and disability are such that the applicants find the physical leave collection and cost of pruning it prohibitive:

Since 2015, when the applicant acquired the site there has been extensive tree removal and the conversion of several Ash trees into a pollarding regime, DM/0545/15/TPO and DM/0271/18/TPO. Whilst these applications were supported in order to rationalise the tree cover on the site, it was made clear that it would be difficult to support the removal of 3 Beech trees and the Scots pine trees or works considered excessive. Since 2015 there has been one application for a canopy reduction to the beech tree in question DM/0158/20/TPO. Whilst an argument could be understood in relation to repeated applications to pollard of a tree, within close proximity of a dwelling or dominating a small garden for example it is not accepted that one application from the applicant in seven years to reduce the canopy size of the Beech tree in question is excessive. The costs are equally acknowledged but it is considered given the size and location of the Beech tree as well as the volume of trees on the site prior to purchasing the property would have highlighted the need requirements of future tree management. The issue of leaf litter is a consistent reason for applications to fell or reduce the size of trees. Leaf litter is considered a maintenance issue and one that every property owner should consider prior to purchasing a property containing deciduous trees and again is not justification to fell a tree as this could be repeated in many situations.

It is acknowledged that the neighbour supports the case but this in itself is not grounds to justify the trees removal. It is noted that in 2013 an application was submitted under DC/179/13/SCA for works to reduce the canopy encroachment over No.23a Ferriby Lane. Permission was granted and the works carried out. Since 2013 there has been pre-application discussions in relation to DM/075/16/TCA and DM/0484/21/TPO, neither of which relate to the Beech tree that is the subject of this application.

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 Scartho Conservation Area and it is considered that insufficient supporting evidence has been provided.

CONCLUSION

The large Purple Beech tree, being observed from Pelham Avenue, Fauconberg Avenue and Ferriby Lane all sits within the Scartho 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 leaf colour. It is considered that 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. Moreover, the supporting evidence provided does not substantiate the claim that the only course of action is to

remove the Beech tree. It is therefore recommended that this TPO application be refused.

RECOMMENDATION

Refused

(1) The large Purple Beech tree, being observed from Pelham Avenue, Fauconberg Avenue and Ferriby Lane all sits within the Scartho 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 leaf colour. 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 Beech tree.