

Southern Area Planning Committee 28th October 2015

COMMITTEE REPORT

15/3767T

**Application to remove three protected Pine trees at 14 Deans Lane,
Sandbach CW11 3HE**

PURPOSE OF THE REPORT

To consider and determine an application to fell three protected Pine trees (with a proposal for their replacement) and the crown lifting of a fourth Pine tree at 14 Deans Lane, Sandbach, CW11 3HE. These trees are the subject of the Congleton Borough Council (Middlewich Road No.3, Sandbach) TPO 1993. The application is from the sister of an employee of Cheshire East Council and is being presented to this Committee because the Council's Constitution requires matters relating to the preservation of trees submitted by an immediate family member or an employee of Development Management and Policy to be decided by Planning Committee.

SUMMARY RECOMMENDATION

It is recommended that the removal of the three protected Pine trees is refused and that consent is granted to the crown lifting of the fourth protected Pine tree.

WARDS AFFECTED

Sandbach Elworth

POLICIES

Corporate Plan (Objective four)

To protect the natural and recreational environment for the benefit of local communities.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining applications for works to protected trees where the applicant is an immediate family member or an employee of Development Management and Policy.

RISK MANAGEMENT

Tree Preservation Orders are made to protect appropriate trees which are of public amenity, are normally visible from a public place and which may contribute to the street scene and local landscape. The three Pine trees form part of a group of protected trees located at the northern end of the applicants garden and can be currently viewed from a number of public vantage points. With any application to fell protected trees, a balancing exercise needs to be undertaken. The need and reasons submitted in support of the works applied for must be weighed against the resultant loss to the amenity of the area.

CONSULTATIONS

All Tree Preservation Order applications and Conservation Area notifications are made available to Ward Members, Town and Parish Councils on the weekly planning list

VIEWS OF THE PARISH/TOWN COUNCIL

No comments have been received

OBJECTIONS/REPRESENTATIONS

None

APPRAISAL AND CONSIDERATION OF THE APPLICATION

The applicant has requested the felling of three Pine trees which are included within Group G3 of the first schedule of the Tree Preservation Order and crown lifting of a fourth Pine tree also within the same group. The reasons given for the work are that they have very low amenity value, are not visible, therefore have no bearing on public enjoyment and are not in a public place. Some of the trees are imbalanced and misformed, are creating excessive shading and falling Pine cones and dead branches are making the area hazardous.

The Council's Principal Forestry and Arboricultural Officer carried out a site visit on 30th September 2015 to consider whether the proposed works would have an adverse effect on the amenity of the area and whether the reasons given for the works were justified.

The four trees are early mature specimens of Scots Pine located at the northern end of the garden of 14 Deans Lane, Sandbach. The pines have been measured and are about 12-13 metres tall and have been planted about 4-5 metres apart.

The group of pines can be seen from part of the public footpath (Sandbach FP33) located to the rear of the site that runs from Middlewich Road to School Lane and are easily seen looking north west from the junction of Abbey Road and Deans Lane and views between 8/10; 12/14 and 16/18 Deans Lane. The

pine group forms part of the collective value of trees in this area and contributes to the sylvan setting and backdrop for properties on Deans Lane, Middlewich Road and the public footpath.

All four pine trees are situated at the northern end of a long rectangular garden adjacent to two garden sheds and a log store. The trees are located more than 30 metres from the house.

The first pine identified for removal is situated 2 metres south of the breeze block shed. It has a slight lean and forks at 6 metres. Some browning of needles is evident on lower branches, but overall the tree is healthy and in a reasonable condition.

The second pine tree identified for removal is located between a wood store and garden shed. It has an asymmetric crown and some lower branches are touching the roof of the shed. The tree appears slightly malformed; however this is a natural growth pattern due to competition from adjacent trees.

The third pine tree identified for removal is located behind a second store and has a slight bend in its stem, some browning of needles on some lower branches but is generally healthy and in good overall condition.

The fourth pine tree, located behind the wooden shed, has been identified for crown lifting (removal of lower branches). The application however does not provide a clear specification of the extent of this proposed work.

The reasons in support of the application are that they have very low amenity value, are not visible, and are not in a public place. That some of the trees are imbalanced and malformed and are creating excessive shading and falling pine cones and dead branches are making the area hazardous.

Given that the position of the group of trees are located some distance north of the house and formal area of the garden, any shade will only be cast within the area occupied by the existing sheds and rear gardens of adjoining properties and not the lawn or more formal area of the garden.

Some of the trees have slightly malformed crowns and stems which is a normal consequence of their proximity within the protected group. There is no visual evidence to suggest that the trees are imbalanced or present a significant risk, other than the presence of some deadwood within the crowns which can be removed without the need for consent.

The applicant refers to the hazard of falling pine cones, which were observed on the ground around the base of the trees. Falling pine cones are a natural occurrence and whilst this may be an inconvenience, it is not uncommon and can be dealt with as part of regular garden maintenance. Fallen pine cones are not considered a significant justification for the felling of the three pine trees.

The crown lifting of Pine (T4) has been assessed and whilst no specific detail has been provided it is accepted that some lifting of lower branches up to a nominal height from ground level of 4.5 metres would accord with accepted arboricultural practice. Some of the lower branches up to this height are dead and could be removed under exempted works. The remaining live lower branches are inconsequential and can be deemed minor work.

Replacement Trees

The applicant has indicated that they are willing to plant three replacement Scots Pine trees (3 feet in height) on the rear and side garden boundary. The three existing Pine trees are important and have significant future growth potential and contribute to the character of the local landscape and amenity of the area. However it would take a significant amount of time for any replacements to compensate for the loss of these three trees and reasons to justify their removal need to be compelling.

RECOMMENDATION

It is recommended that the application to fell three protected Pine trees forming part of Group G3 of the Congleton Borough Council (Middlewich Road No.3, Sandbach) TPO 1993 be refused on the grounds that the submitted reasons do not justify the felling of the trees. That consent is granted for the crown lifting of Pine (T4) by removal of lower branches up to a height of no more than 4.5 metres from ground level