DELEGATED FILE NOTE

CASE OFFICER: …Naomi Reynard……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00373/TCA	T1, T2 Sycamore - Fell.	St Marys Church Church Lane Therfield Hertfordshire

Submitted Plan Nos
location plan

1.0 Policies

2.0 Site History

See Uniform

3.0 Representations

No consultation

4.0 Planning Considerations

4.1 Site and Surroundings

The trees are in the Churchyard adjacent to a ditch and the neighbouring property which is Listed and has an outbuilding adjacent to the trees.

4.2 Proposal

Fell two Sycamore trees (T1 and T2 on plan).

4.3 Key Issues

The key issues in the determination of the application are the impact of the proposed removal of trees on the character and appearance of the Conservation Area and whether the trees are worthy of protection by a Tree Preservation Order.

The reasons given on the application for the proposed works were as follows:

"Sycamore No.1 - fell because of close proximity to listed barn (building safety), honey fungus in the ground, excessive shading and low amenity value.

Sycamore No.2 - fell because of excessive overhang into neighbour's garden (human safety), close proximity to listed barn (building safety), honey fungus in the ground, excessive shading and low amenity value."

In my view the trees have fairly high public amenity value, as they are large mature specimens and are visible from the churchyard, Church Lane and surrounding public footpaths.

Following a discussion with the Council's Tree Officer I wrote to the applicant as follows:

"I am writing to you regarding the above application for works to trees in a Conservation Area (Section 211 Notice for works to trees in a Conservation Area). When dealing with a Section 211 Notice for works to trees in a Conservation Area the Local Planning Authority can either raise no objections or should we wish to raise objections to the work then the only way we can do this would be to place a Tree Preservation Order on the trees.

I am writing to you regarding the above following discussion with the Council's Tree Officer. Given the public amenity value of the trees we would not wish to see the trees removed. Therefore, please note that should you wish to remove the two Sycamore trees we would have no choice, but to consider affording greater protection of these trees by serving a Tree Preservation Order. However, we would rather negotiate pruning works to the trees.

It is noted that no tree specialist's report or structural engineer's report has been submitted with the application to justify the removal of the trees. It would be helpful to know what you want to achieve by the proposed removal of the trees. The application form states that there is honey fungus on the ground, but no evidence has been provided that honey fungus has affected the trees. We would doubt that the trees would be affecting the barn, as it is unlikely to have foundations. We would suggest that you consider pruning options instead - either crown thinning and/or crown reduction, which would retain the shape and take out the volume of the crown to allow more light and increase the safety of the trees.

As such I would advise you to withdraw this Section 211 Notice and submit a fresh Section 211 Notice (application for works to the trees) ideally proposing crown thinning and/or crown reduction – you may wish to ask a tree specialist to look at the trees to advise what pruning works would be best. Should you still wish to remove the trees I would advise you provide a tree surgeon's report and/or structural engineer's report to justify the removal of the trees with a new Section 211 Notice."

Following this the applicant submitted a Tree Specialist's report from Herts & Cambs Tree Services which read as follows:

"Thank you for meeting with me today, regarding your neighbor's concerns with the two Sycamore Trees (Acer pseudoplatanus) in the church yard. I totally agree with you the first one as you enter is leaning considerably over there barn, it has no support on

the inside as it is on the very edge of the ditch & is leaning over the ditch with the load bearing over the barn.

I would suggest removing this tree as I fear reducing the canopy will still leave a tree leaning over a neighbor's property along with the issue of the ditch bank

I feel if this was removed you could then replant other species of tree in the same area.

The second extremely large Sycamore is also a big concern, mainly the very large lateral limb leaning directly over there garden & barn. The fact that is on the very edge of the ditch is a big issue in a public place as well as the garden. It has also disturbed a lot of graves with its root structure. There is a decayed area around 30ft up where a limb has snapped of several years ago that I would imagine has caused major decay in the trunk itself along with the decayed area lower down also where a limb has previously been removed.

There are options here

1 Remove tree completely & replant new tree

2 Just remove large limb (doesn't solve issue of grave damage or risk of tree

falling from ditch bank)

3 Crown reduction of whole canopy by 40/50%

Both of these trees were planted far too close to the edge of the ditch & the graves"

The applicant also sent in various emails with photographs in support of the proposed removal of the trees and a letter from the owner of the neighbouring property raising concerns about the safety of the trees – they are concerned about falling branches. These can be viewed on the Anite file.

I discussed the tree specialist's report with the applicant and said our preference would be for the large limb to be removed or crown reduction of canopy by 40/50%. However, the applicant said that they would still wish to remove both trees due to safety concerns. Given the species of the trees, given their location adjacent to a ditch (which I understand is to be dug out to clear) and adjacent to the outbuilding of the neighbouring Listed property, given that there are many other mature trees in the locality (including within the churchyard) and given the tree specialist's report setting out the decay and safety concerns, in my view the trees would not be worthy of protection by a Tree Preservation Order.

Therefore on balance I would reluctantly raise no objections to the proposed removal of two Sycamore trees.

I discussed this with the Development and Conservation Manager before making my recommendation.

Notwithstanding the note on the application form, during discussions the applicant offered to replant with more appropriate species and this would be welcomed. Under the Section 211 Notice the LPA cannot insist on replanting. However we welcome this proposal, although I appreciate it would be dependent on the Honey Fungus on the ground..

5.0 Recommendation

5.1 No objections to removal of two Sycamore trees a Conservation Area

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 13 March 2018	