

Delegated Report

Application Number: V/2020/0780

Address: 15, Calke Avenue, Huthwaite, Sutton in Ashfield, Nottinghamshire, NG17 2SF

The Application	Felling of a Tree Protected by a Tree Preservation Order
Policy Considerations	<p>Ashfield Local Plan Review (ALPR) (2002): EV8 – Trees and Woodland.</p> <p>National Planning Policy Framework (NPPF): Part 15 – Conserving and Enhancing the Natural Environment.</p>
Relevant Planning History	V/2019/0456 - Pollard 1 Oak tree - TPOCC.
Summary of comments received	<p>ADC Tree Officer: The Oak tree has recently been significantly pruned to overcome inherent structural defects.</p> <p>The canopy of the tree poses little public visual amenity value as such and any pruning works to stabilise out growing limbs would decrease this even further.</p> <p>Therefore suggest that consent is granted for the removal of this tree as it offers little public visual contribution.</p> <p>There is very little scope for replacement planting due to the location of the tree and I therefore suggest in this instance that replacement planting is not required.</p> <p>1 objection has been received from a neighbouring property, which raised the following concerns:</p> <ul style="list-style-type: none">• The trees and hedgerows give the estate privacy.• The trees and hedgerow are a home for wildlife and are important.• The removal of the tree would allow three more houses to see my garden. <p>No other written representations received as part of the consultation process.</p>
Comments on above	See below summary.

Summary	<p>The works have been assessed by Ashfield District Councils Tree Officer, whose advice holds significant weight in the decision making process. The application has been assessed on its individual merits.</p> <p>The tree has recognised structural defects, and with the need to maintain growing limbs to stabilise the tree, the current and resultant canopy poses little public visual amenity value, which is an integral reason for the placement of a Tree Preservation Order (TPO).</p> <p>If the TPO was revoked to reflect the change in public visual amenity value, then the tree could be felled without the consent of the Council.</p> <p>As such it is considered that the works should be permitted to allow the applicant to proceed with the tree removal. Furthermore replacement planting will not be sought in this instance for the reasons outlined above within the Council's Tree Officer's comments.</p> <p>Conclusion: Notwithstanding the objection received, and considering this against all the submitted information, an assessment has been made against all relevant policies and material planning considerations, and conditional consent is recommended for this application.</p>		
Recommendation	TPOCC		
Conditions & Reason	Condition Code	Text	Monitor
		This permission shall authorise the felling of the Oak Tree only, as identified by the Tree Plan provided, and the works must be undertaken within 2 years of the date of this permission.	
	Reason Code	Text	Monitor
		To define the time scale of the permission and to allow further assessment in the event of the works not being carried out.	
Informative	Informative Code	Informative Text	
	General Liability Warning	The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).	

Proactive Working	The application, as submitted, is acceptable. In granting planning permission the District Planning Authority is implicitly working proactively with the applicant.
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	Signed	Dated
Case Officer		06/01/2021
Development Team Manager		
Determined by Service Director Or on their behalf		