



*St Edmundsbury*  
BOROUGH COUNCIL

**DEV/SE/16/64**

# **Development Control Committee 1 September, 2016**

## **Tree Preservation Order Application DC/16/1397/TPO**

**Victoria House, 112 Springfield Road, Bury St  
Edmunds, Suffolk**

**Date:** 28 June 2016      **Expiry Date:** 23 August 2016  
**Registered:**

**Case Officer:** Jonny Rankin      **Recommendation:** Refuse

**Parish:** Bury St.      **Ward:** Risbygate  
Edmunds Town

**Proposal:** TPO 151 (1971) 6 - Tree Preservation Order - 1no. Sycamore (T1 on plan, within A1 on order) fell

**Site:** Victoria House, 112 Springfield Road, Bury St Edmunds, IP33 3AN

**Applicant:** Victoria House Management Co. Ltd. - Mr John Ottley

### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

**CONTACT CASE OFFICER:**

Email: jonny.rankin@westsuffolk.gov.uk

Telephone: 01284 757621

**Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel.**

**A site visit will take place on Thursday 25 August 2016.**

**Proposal:**

1. Consent is sought for the felling of 1no. Sycamore (T1 on plan, within A1 on order).

**Application Supporting Material:**

2. Information submitted with the application as follows:
  - Application form
  - Tree Location Plan
  - Photos

**Site Details:**

3. The site comprises a residential property and curtilage within the Housing Settlement Boundary and (Victoria Street) Conservation Area. The tree under consideration is within A1 of TPO 151 (1971).

**Planning History:**

4. DC/14/0473/TPO TPO151(1971)4 - (i) Pollard trees (1- 11 on plan) Comprising of Lime trees and Sycamores; (ii) Fell 1 Sycamore trees (13 on plan); (iii) Sycamore (12 on plan) Reduce westerly limbs to provide 3m clearance from building. (Amended following agents email of 28 April 2014). Approved.
5. DC/16/0257/TPO TPO151(1971)5 - Tree Preservation Order - (i) Group of Thuja sp Tree (marked on plan) - fell (ii) 3no Sycamores(B,C,D on plan) – fell. Approved.

**Consultations:**

6. Arboricultural Officer: This sycamore has been subject to a number of previous applications. Notably an application in 2014 to fell due to proximity to structures. At the time the application was refused but permission to prune the tree to maintain appropriate clearance from

structures was given. A second sycamore in close proximity was given consent to be felled as it was in poor form and would benefit the remaining sycamore subject to this application. No tree health or safety issues were evidenced at the time.

7. Regarding the reasons stated for the work in this application, this objection is based on the following comments:

- a. **Manhole is within 3ft of the tree and root damage to the sewer is beginning to be evident.** *The proximity of the manhole cover to the main stem of the tree is not disputed. The location of the inspection chamber is evident on the ground. However, no evidence of damage to the sewer has been submitted. The photograph submitted showing the internal structure of the inspection chamber only shows the direction and total number of the sewer runs from this point. No damage from roots or other causes is evident in the photograph. Section 8.2 of the application has been completed but no written technical evidence from an appropriate expert, including description of damage and possible solutions, has been submitted. Without evidence this is not a justifiable reason to remove the tree.*
- b. **Branches overhang adjacent rooflines and structures.** *As assessed in the 2014 application (DC\_14\_0473), consent for appropriate clearance to structures was given at the time, and appropriate clearance of the structures can continue to be maintained through future management of the tree. Appropriate clearance of a structure is given in this instance, as a distance sufficient to avoid parts of the tree coming into contact with the structure that have potential for causing direct physical damage to the structure. Regarding leaf, flower, seed or fruit fall, as detailed in this application (and the supporting consultation responses from neighbouring properties), this is regarded as minor seasonal nuisance in most accepted legal definitions. In this instance, the severity of this nuisance is not severe enough to justify removal of a tree that has important amenity value, and is viable for short to medium term retention with appropriate management. Issues of leaves in gutters and seedlings can be managed with appropriate maintenance at appropriate frequencies. In this instance the level of routine maintenance is not above what would be expected in a typical urban environment with tree cover of this density.*
- c. **Tree does not have amenity value.** *The tree is located to the rear of the property but is visible from a number of locations in the area, including streets/public areas and private property, particularly as its height extends above adjacent property rooflines. While it is not on a road frontage, it nonetheless adds to the urban tree cover, both in the immediate vicinity and when seen from a distance. Trees such as this add to the urban landscape by providing a tree canopy that permeates the urban setting. As such this tree makes a significant contribution to the visual environment.*
- d. **Once tree is removed replanting and remedial works can take place following replacement fencing works.** *Retention of this tree will not inhibit these works.*

- e. **Removal of the tree is required to enable property maintenance.** *No evidence has been submitted to show that the cited property maintenance works cannot be undertaken without the removal of the tree. As already established, appropriate clearance between the tree and the adjacent structures is possible, and it is likely that scaffolding solutions, and working practices, can be adopted accordingly. It is possible that the applicant may need to seek arboricultural advice in relation to any proposed scaffolding works to ensure damage to the tree does not occur. Without further evidence, this is not a justifiable reason to remove the tree.*

### **Representations:**

8. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.
9. Neighbours: 1 no. neighbouring property made representation on behalf of themselves and 1 no. other neighbour.
  - a. With regard to your letter concerning the above application to fell 1 Sycamore tree, location Victoria House 112 Springfield Rd. BSE. I live at 22 Chancellery Mews, the tree overlooks my property and garden, and causes considerable problems to me each year with many thousands of seedlings in the spring and heavy leaf fall in the autumn. I have no objection to it being removed. This would enhance the surrounding area.

### **Officer Comment:**

10. The arboricultural officer has assessed the proposal. Despite officers requesting further details, no evidence of damage to the sewer has been submitted nor any written technical evidence from an appropriate expert received. Notably, no description of damage and / or possible solutions, have been submitted to this authority. Without evidence there is not a justifiable reason to remove the tree which has important amenity value, and is viable for retention.

### **Conclusion:**

11. In conclusion, the detail received in support of the works is considered to be unacceptable and cannot be supported.

### **Recommendation:**

It is **RECOMMENDED** that consent be **Refused** for the following reasons:

1. No evidence of damage to the sewer has been submitted nor any written technical evidence from an appropriate expert received. Without evidence there is not a justifiable reason to remove the tree which has important amenity value, and is viable for retention.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O9JBFUPD05L00>

Case Officer: Jonny Rankin

Date: 16 August 2016