



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/016

## Development Control Committee 7 February 2019

### Planning Application DC/18/2110/TPO – Little Owl, The Pound, Hawstead

**Date Registered:** 18.10.2018      **Expiry Date:** 13.12.2018

**Case Officer:** Adam Yancy      **Recommendation:** Refuse Application

**Parish:** Hawstead      **Ward:** Chedburgh

**Proposal:** TPO333(2002) - Tree Preservation Order - Fell - 15no Sycamores in 5no clusters (T1 on plan and within Area A1 of Order)

**Site:** Little Owl, The Pound, Hawstead

**Applicant:** Mr Nikki Browne

#### **Synopsis:**

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

#### **Recommendation:**

The formal decision as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Assistant Director (Planning and Regulatory Services). However, it is recommended that the Delegation Panel advise the Assistant Director (Planning and Regulatory Services) of their opinion as to whether this application should be referred to the Development Control Committee for determination or whether it should otherwise be determined using delegated powers.

#### CONTACT CASE OFFICER:

Adam Yancy  
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## Background:

**This application is referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the Officer recommendation for REFUSAL was contrary to the view of Hawstead Parish Council.**

## Proposal:

TPO consent is sought to fell 15 no Sycamores in 5 no clusters (T1 on plan and within Area A1 of Order).

## Application Supporting Material:

- Photographs
- Sketch Plan
- Application Form

## Site Details:

1. The site consists of a one and a half storey detached dwelling located in the countryside. The property is situated adjacent to the tree preservation order 333(2002) group A1 on the order.

## Planning History:

Reference	Proposal	Status	Decision Date
SE/12/0561/FUL	Planning Application - Change of use of holiday let to dwelling (Class C3)	Application Withdrawn	22.05.2012
SE/07/1108	Planning Application - (i) Change of use of building to holiday let (ii) retention of glazing and stable door at first floor and entrance door at ground floor on east elevation (iii) proposed alteration to south elevation from garage doors to windows	Application Granted	15.08.2007
SE/06/2762	Planning Application - (i) Change of use of building to Class B1 (Business) or Class A2 (Financial and Professional Services); (ii) replacement of garage doors with two windows on front elevation and (iii) retention of entrance door at ground floor and glazing and stable door at first floor	Application Refused	02.02.2007

## Consultations:

Arboricultural Officer: Object to the application.

### **Representations:**

Hawstead Parish Council: The parish council considered the application and had no objection to the application on the basis that there was mitigation for the trees by replacing them with appropriate species in the same location.

Ward Member: No comments

Neighbour representation: None received.

### **Planning Policy:**

National Planning Policy Framework (2018)

### **Officer Comment:**

2. The issues to be considered in the determination of the application are:
  - Impact on local area
  - Reason for works
3. The trees in this application form part of an area TPO, and as a group contribute to the rural and wooded character of the local area. The trees appear to be in reasonable condition, for what would be classed woodland specimens. The reason for their removal is stated as the applicant's fear/worry that they might break or fall. However, section 6.1 of the application has not been completed, where it states "you have fears it might break or fall", and no evidence has been submitted to support this. The trees have fairly typical form for woodland specimens, in terms of slenderness, and the fear of failure appears to be based on the trees swaying in the wind. However, this would not be a justified fear, unless there was a specific defect or defects identified, or more detailed assessment of the risk (as per section 6.1). As it stands, the application appears to be based on what could be described as an unfounded fear. As such the arboricultural officer has objected to this application and this objection must be given considerable weight against the scheme.
4. The application seeks for approval of the removal of 15 Sycamore trees that are located to the West boundary of the site. The tree are visible from the public domain and contribute to the rural and wooded character of the local area. As per the arboricultural officer comments, the applicants reasons for wishing to fell the tree because of a fear/worry that they might break or fall has no evidence to support such a claim. The arboricultural officer has visited the site and states that the trees appear to be in good condition for a woodland species and the fear of failure seems to be based on the movement of the trees in the wind. This is not seen as a justified reason for the felling of the trees and therefore cannot be supported, particularly noting the amenity value otherwise of this group of trees.

### **Conclusion:**

5. In conclusion, the proposal to remove these trees is considered to be unacceptable.

**Recommendation:**

6. It is recommended that tree preservation order consent be **REFUSED** for the following reason:
  1. The group of Sycamore trees contribute to the rural and wooded character of the local area and appear in reasonable condition, for what would be classed woodland specimens, and the removal of the trees would have an adverse impact on the amenity of the surrounding and woodland area. The reasons stated for the works are a fear of the failure of the trees, however, no evidence has been submitted to support this claim and therefore, in the circumstances, it is not considered a justified fear and would certainly not outweigh the adverse visual impact that the removal of the trees would otherwise have upon the amenity of the area.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2110/TPO](#)