

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

27 February 2018

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT**

**18/0147/SEC
117 High Street, Norton, Stockton-on-Tees
Section 211 notice for the removal of 6 trees to the rear**

Expiry Date 05/03/2018

SUMMARY

This application is a section 211 notice to fell six trees to the rear of 117 High Street.

The application site falls within the Norton Conservation Area therefore the permission of the local planning authority is required to fell the trees.

The main issues for consideration are the impact on the amenities of the area and whether or not the trees are worthy of a Tree Preservation order.

Neighbours were notified and six objections were raised to the proposal.

The Principal Tree and Woodland Officer has visited the site, assessed the application and provided formal comments. The Principal Tree and Woodland Officer does not consider that the trees are worthy of the protection by means of a Tree Preservation Order. The trees were noted to be self – seeded trees and none were considered to be specimen trees with a significant amenity value.

The application is therefore recommended for approval.

RECOMMENDATION

That the trees subject to application 18/0147/SEC are **not** subject to a Tree Preservation Order and that the specified works can be carried out.

SITE AND SURROUNDINGS

The application site is a garden area to the rear of 117 High Street, Norton. The site is located within the Norton Conservation Area. To the North is 119 High Street and to the South is 115 High Street. To the West is 1-4 The Garth and to the far south Eastern corner of the application site is 1-7 Mill Street.

PROPOSAL

The application is a Section 211 notice and seeks approval for the removal of 6 trees to the rear of **117 High Street, Norton** in order to provide clearances to neighbouring buildings and to allow the renovation of workshops within the garden which over the years have fallen into disrepair.

CONSULTATIONS

The following Consultations were notified and comments received are set out below:-

Principal Tree & Woodland Officer

I have inspected the trees at 117 Norton High Street in connection with the current Section 211 Notice ref 18/0147/SEC.

I understand it is proposed to fell 6no. Sycamore trees in the rear garden of the premises: as per site plan trees numbered 1,2,8,9,10, and 11.

The trees in question were noted to be all of self-sown origin and semi mature. None were considered to be 'specimen trees' or to have significant amenity value, albeit they collectively contribute to tree cover in the built area - the trees are located in the rear garden of the premises and mostly obscured from public view.

I therefore did not consider the trees were worthy of protection via Tree Preservation Order, therefore recommend consent for the proposed removal / no Tree Preservation Order to be put in place.

(According to my records, the trees were also assessed in 2002 and 2011 with same observations/recommendations made at the time)

I have revisited the site to view from Mill lane I do not recommend a Tree Preservation Order on the trees in light of recent objection so stand by previous comments.

Councillors

No comments received

PUBLICITY

Neighbours were notified and comments received are set out below:-

Owner/Occupier 123 High Street Norton

I wish to object to the proposal to cut down six trees if the trees are healthy and are not having any structural impact on the main property.

These trees have been there for 42 years and I have lived at 123 and they are a sanctuary for many kinds of birds that roost there through the year and build their nests there during the spring including a pair of woodpeckers.

The second reason is simple there is no detail on the planning application of why Mr Andrew Pickett would want to cut them down. It makes no sense unless he plans to build on the land that the trees now occupy.

Owner/Occupier 1 The Garth Norton

The application to cut down 6 trees rear of my premises, I oppose this for many reasons, the effect it will have on the wild life, we experience and loss of privacy, given carte blanche to do what they want with the land i.e. car park or build properties. The trees have been their many years and loss of this would be a travesty. I believe that although the application is due to blocking light, I think this may not be the long term proposal as a few years ago I believe planning was put in to build 2 bungalows and this was declined due to the fact the trees could not be cut down, also the trees which are highlighted to be cut down due to obstructing light are in fact approx. 100 Mts away from the building complaining of lack of light. That area is a haven for wild life. birds and squirrels etc. it would be a great loss if this was desecrated.

Owner/Occupier 2B The Garth Norton

I seriously oppose the planning application to cut down 6 trees at the back of my property on the grounds of the effect it will have on the abundance of wild life we have, it will have a damming effect if these trees were to be cut down. Also a concern that getting rid of the trees would open up that area to any future developments. The trees are a very important and it would be sacrilege to turn it into a concrete jungle once the trees where no longer there.

Owner/Occupier 115 High Street Norton

We strongly object to any established trees being removed unless they are causing damage to property. Our established trees are an integral part of the conservation Area of Norton and is the responsibility of the residents and businesses to maintain the historical value of their properties and surroundings.

We have an abundance of wildlife living in these trees and their removal will destroy their natural habitat. Norton is generally becoming a huge car park and the only trees left are vital to filtering carbon monoxide from the air we breathe.

Owner/Occupier 3 The Garth Norton

I strongly object to this application to remove 6 trees and all the bushes and shrubbery that make up the majority of this established copse in this conservation area of Norton Village. The application is not in relation to the condition of the trees, nor is there a claim that they are causing subsidence or structural damage to nearby properties but because of the loss of light. To claim that 6 trees and all the shrubs/bushes need removing to solve the problem is disingenuous.

Trees marked as 1 and 2 on the plan are approximately 100 metres away from the property and trees 8,9,10 are too far away to impact 117 High Street, I therefore question the reason the applicant wants these trees removed. Tree 11 is shown to be right on top of the property and does not appear to be an accurate representation from the vantage point of my garden, but tree trimming could be a considered option and the removal of this one tree as a last resort.

This copse is the natural habit and food source for the birds and wildlife. Areas such as these are scarce without destroying the ones that are in our treasured conservation areas.

I noted with dismay that the report for the trees stated that the trees were not considered to be 'specimen trees' or having any amenity value but no mention of it being in a conservation area. The conservation area itself should be protection for the trees, and all trees do not have to be 'specimen trees' to have value.

If this conservation area is allowed to be destroyed to let light into a window of 117 High Street then we will not be doing our civic duty in protecting the integrity of our village.

It should also be considered that the removal of these large trees, shrubs and bushes may cause greater amounts of amount of surface water to accumulate in the location during heavy rainfall.

I refer the planning department to a planning application relating to this site dated 05/12/2006. 06/3660/FUL. The application was to build two properties which required the felling of trees to accommodate the development. One of the reasons for the refusal of planning permission related to the removal of the trees which was stated to be contrary to policy GP1 and I fail to see what has changed to allow the granting of this application. It should be noted that the trees the application seeks to remove are the same ones that would be necessary to enable the owner to develop the site. The only trees he is seeking to remove are the ones that block access to the site (1 & 2) and the ones in the main body where the bungalows were to be situated (8,9,10,and 11).

Owner/Occupier 4 The Garth Norton

Please note my objection to the above application to fell trees to the rear of 117 The High Street Norton. The land is opposite our garden and the trees provide natural screening and are also important habitat for natural wildlife.

PLANNING POLICY

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

NPPF Paragraph 17: Contribute to conserving and enhancing the natural environment and reducing pollution.

Local Planning Policy

The following planning policies are considered to be relevant to the consideration of this application.

Core Strategy Policy 10 (CS10) Environmental Protection and Enhancement

8. The enhancement of forestry and increase of tree cover will be supported where appropriate in line with the Tees Valley Biodiversity Action Plan (BAP).

MATERIAL PLANNING CONSIDERATIONS

The main consideration of the application is whether or not the trees proposed to be felled are worthy of a Tree Preservation Order.

The application site is situated within the Norton Conservation Area, neighbours were notified and 6 letters of objection were received. The main reasons for objection are that the trees are well established and form an integral part of the Norton Conservation area. If they are healthy and not causing any structural damage they should remain. They are a haven for the existing wildlife and the loss of the trees would have a detrimental effect. The works are not necessary to compensate for the loss of light to the rear of 117 High Street. There are also concerns over future development of the site.

Trees in a conservation area that are not protected by a Tree Preservation Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order on the tree. At the end of this period if no response is received from the Local Planning Authority or if a Tree Preservation Order is not made the works can proceed.

Therefore the only material consideration of the application are whether or not the trees proposed for removal are worthy of a Tree Preservation Order. The issues raised by neighbours are noted however issues of loss of habitat/wildlife, light and future use of the site are not material considerations of the application

The Principal Tree and Woodland Officer has visited the site and also viewed the site from Mill Lane at the request of the neighbour and has provided formal comments. He notes that the trees are self-sown and semi mature. He did not consider them to be specimen trees or to possess significant amenity value. Although they contribute to tree cover in a built up area due to their location they were mostly obscured from public viewing. According to his records comments and observations by him were made in 2002 and 2011 resulting in the same recommendations being made at those times.

It is therefore professional opinion of the Principal Tree and Woodland Officer that the trees proposed for removal are not worthy of a Tree Preservation Order and therefore he recommends the application is approved.

CONCLUSION

It is considered that the proposal accords with policy CS10 and it is recommended that the section 211 application is approved and that no Tree Preservation Order is placed on the trees for the reasons specified above.

Director of Economic Growth and Development
Contact Officer Miss Samantha Tidy Telephone No 01642 526197

WARD AND WARD COUNCILLORS

Ward	Norton North
Ward Councillor(s)	Councillor S I Nelson LLB(Hons) BA (Hons)
Ward Councillor(s)	Councillor Mrs Kathryn Nelson

IMPLICATIONS

Financial Implications: None

Environmental Implications: As per report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Appendix 2

Location Plan

Appendix 3

Tree Location