

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

2 December 2013

Report of the Acting Strategic Director – Environmental Services

**4 APPLICATION TO UNDERTAKE TREE WORKS AT
MONTPELIER, QUARNDON**

(1) **Purpose of the Report** To enable the Committee to determine an application for a consent under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to the cutting down of three sycamore trees, protected by Derbyshire County Council Tree Preservation Order Number 81(TPO 81), to which objections have been received.

(2) **Information and Analysis** TPO 81 was made in 1966 and covers most of the mature trees around the Montpelier Estate. The three sycamores which are the subject of this felling application are three trees that make up Group 1 of the Order as shown on the attached plan (Ref.PE/RB/TPO81). The sycamores are growing within the footpath owned jointly by numbers 7 and 8 Montpelier. Other trees in the immediate vicinity are T16 (Beech) to the north and T19 (Oak) to the south. Individually, the sycamores have limited amenity value but as a group they are very prominent within the street scene.

The applicants are proposing to replant three new trees of a species that is more aesthetically pleasing with a size and form that is appropriate to the location and available space. The proposed replacement species is cut-leaved Alder which is a medium to large tree at maturity but has a more upright, pyramidal crown than sycamore. The leaves are also much smaller and finely cut than sycamore therefore should not pose a problem in terms of debris or loss of light to the properties in the future.

The reasons for felling are stated in the application dated 19 September 2013 and additional supporting reasons were submitted by the applicants on 25 October 2013. These are included in the background papers but to summarise, the size and proximity of the three sycamores is causing overshadowing to both properties, moss to build up on roofs, roots are lifting garden paving, leaf fall blocking gutters and the cost of on-going maintenance is a real concern. Previous pruning has been undertaken in an attempt to control the height and

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spread of these trees but this has only been partially successful and will require repeated pruning in the future.

Following consultation, the Council has received seven formal responses. Four responses were from local residents supporting the application, two from local residents opposing the application and one from Quarndon Parish Council which raised no objection providing three replacement trees of substantial size are planted and protected by a TPO. The Local Member, County Councillor Stuart Bradford, has also expressed his support for the application. All written comments are included in the background papers.

If the application is approved, in order to protect the replacement trees the Council will need to formally vary the TPO to replace sycamore with Alder in the First Schedule for Group 1.

(3) **Financial Considerations** Officer time in processing the application.

(4) **Legal Considerations** Town and Country Planning Act 1990, Part VIII. Town and Country Planning (Tree Preservation) (England) Regulations 2012. Regulation 10 – variation of tree preservation orders. Regulation 16 – Application for consent under tree preservation order. Regulation 17 (1) (a) and (b) – Determination of applications for consent. Regulation 18 and 19 – Right of Appeal to the Secretary of State. Regulation 24 (1) (a) – Compensation for loss or damage incurred in consequence of refusal of consent.

(5) **Environmental and Health Considerations** It is noted that repeated pruning of the existing trees is both costly to the owners and detrimental to the overall health and appearance of the trees. A more sustainable solution would be to plant a species more appropriate to the space available that requires little maintenance after establishment.

There will be a short to medium term loss in visual amenity at this location until the new trees have been established. However, in the longer term, the new trees will be an improvement on sycamore as they will have a more pleasing form. In addition, Alder is a native species that will support a greater diversity of wildlife.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property and transport considerations.

(6) **Background Papers** Held on file TPO 81 within the Environmental Services Department.

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(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **approve** the grant of a consent to the cutting down of three sycamore trees protected by TPO 81 in accordance with Regulation 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, as sought by the application referred to in this report, subject to such conditions as the Acting Strategic Director – Environmental shall consider as appropriate for the purpose of securing a replacement planting of three new large standard trees within the first winter planting season after felling.

Mike Ashworth
Acting Strategic Director – Environmental Services

Quarndon Common

