

Committee Report

Item No: 7C

Reference: DC/24/00016

Case Officer: David Pizzey

Ward: Palgrave.

Ward Member/s: Cllr Tim Weller.

RECOMMENDATION – INFORM APPLICANT THAT THE NOTIFIED WORKS TO TREES IN CONSERVATION AREA MAY GO AHEAD

Description of Development

Notification of Works to Trees in a Conservation Area - Reduce crowns of Field Maple (T1), Hawthorn (T2), Hawthorn (T3) and Field Maple (T4) by approximately one third

Location

7 Church Farm Close, Palgrave, Diss, Suffolk IP22 1AX

Expiry Date: 14/02/2024

Application Type: TCA - Notification: Works to Trees in Con Area

Development Type: Misc Not for PS2

Applicant: H Bunbury

Agent:

Parish: Palgrave

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The application is made by a close family member of an Officer of the Council. Under paragraph 16.5 of the Councils Planning Charter such applications are reported to Committee for determination in the interests of transparency.

The application is reported as an urgent item of business having regard to the default ability to proceed if the local planning authority does not respond within 6 weeks of notice.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Adopted Joint Local Plan September 2023. Policies:

- LP16 Biodiversity & Geodiversity
- LP17 Landscape

NPPF paragraphs 180 to 188 generally.

Neighbourhood Plan Status

This application site is within the area of a made Neighbourhood Plan Area (The Diss & District Neighbourhood Plan – Made October 2023). See in particular policy 8 Green Corridors & Biodiversity Enhancement inter alia.

Representations

During the course of the application one Representation from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

No objection

B: Representations

At the time of writing this report one email comment has been received. It is the officer opinion that this represents one general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Palgrave Parish Council – No objection.

PLANNING HISTORY

REF: DC/24/00016

Notification of Works to Trees in a Conservation Area - Reduce crowns of Field Maple (T1), Hawthorn (T2),

DECISION: PCO

Hawthorn (T3) and Field Maple (T4) by approximately one third

REF: 0370/93/

ERECTION OF 3 NEW DWELLINGS AND GARAGE; UPGRADE AND IMPROVE EXISTING ACCESS AND DEMOLITION OF EXISTING FARM BUILDINGS.

DECISION: GTD
13.08.1993

REF: 0490/95/

ERECTION OF GARDEN ROOM.

DECISION: GTD
11.07.1995

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. Church Farm Close is a residential cul de sac close to the centre of the village forming a small cluster of dwellings accessed off Priory Road. The trees in question lie within a domestic setting.

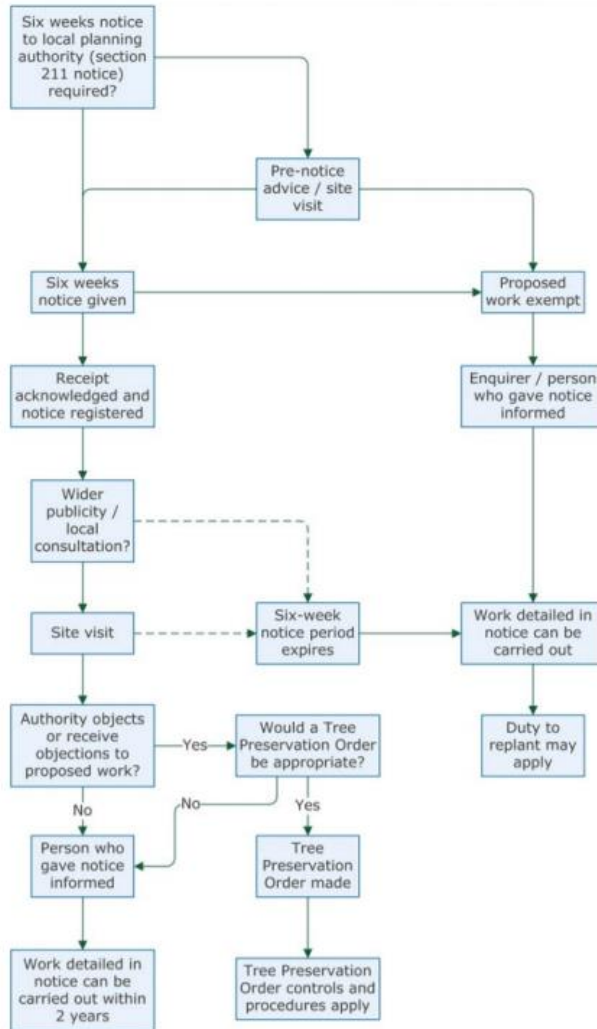
2. The Proposal

2.1. Under The Town & Country Planning Act 1990 (as amended) trees in Conservation Areas are preserved by Section 211 which prohibits works to those trees without prior notice to the local planning authority. Applications in the form of a Section 211 Notice given to the Council are required to be determined within 6 weeks.

2.2. If the local planning authority consider that the tree should be preserved in the interests of amenity by a Tree Preservation Order this may be made during this time. Alternatively the Council may inform the applicant that work can go ahead or simply allow the 6 week period to expire after which time the work may be done within 2 years of the notice. The process is summarised in Flowchart 5 to the published guidance of March 2015 (below).

2.3. A section 211 notice is not, and should not be treated as, an application for consent under an Order. So the authority cannot refuse consent or grant consent subject to conditions.

Flowchart 5: Notices for work to trees in a conservation area



2.3. The works here, in summary, to reduce the crowns of a Field Maple (T1), a Hawthorn (T2), Hawthorn (T3) and a further Field Maple (T4) by approximately one third. A verbal update will be given at your meeting.

3. The Principle and key issues

3.1. In summary the key question is whether the local planning authority consider that the tree should be preserved in the interests of amenity by making a Tree Preservation Order. This is a matter of specific merit having regard to the fact and degree of the works and the condition and location of the trees in each case.

3.2. The authority's main consideration should be the amenity value of the tree. In addition, the authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one.

3.3. It is considered that the works are appropriate management pruning of relatively small trees in a residential garden.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

13.1. The proposed pruning works will have negligible impact upon local amenity and the character of the conservation area and therefore it would not be appropriate to make a Tree Preservation Order.

13.2. The merits of the works are acceptable having regard to the development plan policies quoted above and the material considerations in this circumstance.

RECOMMENDATION

That the applicant be informed that the work may go ahead.