DELEGATED REPORT

Recommendation Made: 24 June 2011

Reference:- 11/00355/TPO **Parish:- Burbage Parish Council**

Applicant:- Mr E Kilpatrick
The Sycamores
60 Windsor Street
Burbage
Hinckley

Location:- The Sycamores 60 Windsor Street Burbage Hinckley Leicestershire

Proposal:- REMOVAL OF 4 SYCAMORE TREES

Introduction:-

This application seeks approval for the removal of 4 no. Sycamore trees located in the rear beer garden of The Sycamores Public House, Windsor Street, Burbage. The trees form part of the (Land at The Sycamore Public House, Windsor Street, Burbage) Tree Preservation Order 2003.

Although the submitted plan shows trees T1-T5, T4/T5 is a multi-stemmed specimen and therefore is only one tree.
T1 - forms part of a closely spaced group located on the northern boundary and has a dominant canopy. T2 and T3 - located centrally, approximately 5 and 7m away from the Public House, both have full, well shaped Crowns and have been previously crown lifted to reduce their height by half to allow more light penetration. T2 is visible from the car park entrance and T3 is visible from Windsor Street. T4/T5 - triple-stemmed specimen that has previously had one stem removed on the South side. Obscured from public view by T2, T3 and a further Sycamore within the site.

The applicant has stated several reasons for the proposal, as summarised below:
a) trees have grown to the extent that excessive shading of the beer garden amenity area occurs.
b) constant maintenance and cleaning works are required to maintain the picnic area.
c) grass does not grow due to shade.
d) constant clearing of gutters and roof valleys and often water damage is caused to the building.
e) there are other trees on the periphery
f) business relies heavily on the use of the beer garden during summer months.
g) removal of the trees will enhance the enjoyment for beer garden users.

History:-
03/00724/TPO removal of one Sycamore and works to a sceond Sycamore Approved 17/07/03.

Consultations:-

Objections have been received from:-
Ward Member
Burbage Parish Council

The Borough Council's Arboriculturalist has responded confirming that no structural defects were evident on inspection of the trees. In relation to T1, the group should be managed as one and the removal of this tree would have a detrimental impact on the group. Some Crown lifting would be appropriate but the level would need to be specified by the applicant.

In relation to T2 and T3, both have full, well shaped Crowns and have been Crown lifted to reduce their height by half with clear stems allowing some light penetration.
In relation to T4/T5, Some decay is present in the stump where the third limb has been removed, but this is not detrimental. Ivy is climbing the stem to 6m and the Crown is of slightly asymmetric form. Cutting the ivy and

some Crown lifting and thinning would assist in lessening shade.

None of the trees is particularly close to the roof or gutters and the grass underneath appears to be in reasonable condition. A TEMPO assessment indicates that all four trees merit a TPO.
Refusal is recommended as their removal would have a significant effect on the visual impact and landscape character; however consideration could be given to the removal of T4/T5 if suitable replacement planting is conditioned elsewhere. A small growing Acer pseudoplatanus "Brilliantisum" could be considered.

One neighbour objection has been received stating the following:-
a) The garden is always busy in summer months and not completely shaded, trees have no impact on the usage and are a key part to it's attractiveness.
b) Several trees have been removed in recent years exposing the garden to neighbouring properties.
c) Trees are important in the streetscene, removal would be greatly noticed.
d) Provide valuable habitat for birds and insects.
e) Recent Crown lifting allows sufficient light through.
f) There are no issues with the growth of the grass.
g) Problems with leaves in gutters are more likely caused by the adjacent Beech trees.
h) The trees are Sycamores, the loss of the trees that give the premises it's name is ironic.

Development Plan Policies:-

No Policies.

Appraisal:-

The main considerations in the determination of this application are the health and visual amenity of the trees.

It is considered that the proposal to remove the four protected Sycamore trees is unjustified in the fact that there are no structural or health reasons demonstrated for their removal. After discussions with the agent, a revised proposal was submitted consisting of the 'removal of T2, T3 and T4/5 and the Crown reduction and thinning by no more than 20% to T1', replacing them with two Acer lobelii elsewhere within the site.

On further advice from the Borough Council's Arboriculturalist, it is considered that the Crown reduction of T1 would not be suitable or acceptable, but that Crown lifting and thinning may be looked on more favourably. The proposed replacement trees, Acer lobelii, are related to the Cappadociam maple and forms a compact, conical shape of tightly ascending branches which would be very different to the more natural form of the existing Sycamores or rounded shape of Acer pseudoplatanus 'Brilliantisum', originally recommended. Also, planting so close to the existing mature Beech is not recommended.

The additional information submitted further proves the high amenity value of T2 and T3 and it is therefore considered that their removal would have a significant detrimental impact on the visual amenity of the area.

With regards to T4/5, it is recommended that Crown lifting and thinning and the removal of the ivy would assist in lessening the shade, but that the current proposal to remove the tree is unjustified as there are no structural or health reasons demonstrated. The Borough Council could possibly look more favourably on an application to carry out remedial works as recommended or in fact the removal of T4/5, should a suitable replacement scheme be submitted.

It is considered that the current proposal to remove T2, T3, T4/5 and carry out works to T1, would have a significant and unjustified detrimental impact on the visual amenity of the character and landscape and therefore refusal is recommended.

Recommendation:- Refuse Consent to carry out work to tree(s) protected by a Tree Preservation Order for the following reasons:-

Reasons :-

1 In the opinion of the Local Planning Authority, it is considered that the loss of these important trees or any works that may harm their appearance would result in an unjustified and significantly detrimental impact on the visual amenity and character of the landscape.

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