

Report of the Executive Manager – Communities

Objector Mr George Machin

Location 7 Cliff Drive, Radcliffe on Trent, NG12 1AX

Objection The inclusion of T3, Horse Chestnut, within the Tree Preservation Order

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. The Radcliffe on Trent No.1 Tree Preservation Order (TPO) protects 3 roadside trees at 7 Cliff Drive, an Oak, Walnut and Horse Chestnut. The site contains an unoccupied dwelling which is barely visible from the road due to an overgrown garden which contains a range of trees and shrubs, the majority are poor quality and are not significant, but the protected trees are prominent mature specimens. The property is located in a corner plot opposite to the turning for Trent View Gardens and the end of Footpath No.9 which links Cliff Drive to Cliff Walk. Cliff Drive contains a range of property styles and ages dating back to the 1940's; it has a leafy suburban character with roadside grass verges, hedges and scattered trees.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made following a request for pre-application advice from a firm of planning and property consultants for the construction of 3 dwellings. The layout plan required the majority of the site to be cleared and would have required the removal of all 3 of the large roadside trees. As the trees on the site were visible to the public, not protected and there was a reasonably foreseeable chance they could be felled a TPO was made.
3. The TPO was made on the 7 August 2017. Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the TPO takes effect provisionally and needs to be confirmed within 6 months of the date it was made. An objection has been received and the Council is required to consider it before deciding whether the TPO should be confirmed or not, if it is confirmed it is possible to modify it to make changes.

4. Following the making of the TPO planning permission has been granted for 2 dwellings, reference 17/01818/FUL. The application showed all 3 of the protected trees to be retained.

OBJECTION

5. An objection has been made to the inclusion of T3, a Horse Chestnut tree located in the northern corner of the site. The grounds for the objection are that it is not in the interests of public amenity and does not justify long term protection for the following summarised reasons:

- The tree has an infestation of Horse Chestnut leaf miner, an insect pest which causes severe damage to the leaves on an annual basis. The impact of repeated infestations will lead to an overall energy loss and negative impact on the tree's long term vitality and growth.
- It is reasonable to assume the tree has, or will eventually succumb to, Bleeding Canker of Horse Chestnut, a serious and widespread problem of Horse Chestnut trees. When the associated cankering lesions become extensive the entire trunk may be girdled and the tree will inevitably die and have to be removed.
- The tree is a multiple-stemmed specimen and the form will have led to tight branch unions with partially included bark. Such weak unions are more prone to failure, and failure at weak forks is frequent in this tree species. The tree is currently sheltered by existing buildings and other trees which are to be removed as part of development works. This will lead to an increase in the likelihood of branches or stems snapping.
- The crown of the tree is more dominant to the north and is overhanging into the adjacent footpath and road. As such, the tree will require ongoing crown pruning to avoid obstructions with pedestrians and vehicles. This work will reduce the visual amenity provided by the tree and the associated pruning wounds may lead to decay. The tree species has a very soft heart wood with poor resistance to fungal decay.
- The tree is not a particularly large or mature specimen and suitable replacement plantings of semi-mature trees would make for more suitable and robust long-term tree cover. The retention and protection of the Walnut T2 and Oak T1, which are situated closer together and form a more distinct landscape feature, will further mitigate the tree's removal and collectively they provide much better amenity value and contribution to the landscape with better long-term prospects.

APPRAISAL

6. Guidance on the Forestry Commission website notes that *"Although Chestnut Leaf Miner can cause severe damage to Horse Chestnut leaves on an annual basis, and discolouration and defoliation before normal autumn leaf-fall, on its own the pest does not significantly impair trees' health, and they will usually flush normally the following spring."* A study published in the Agriculture and Forest Entomology Journal showed leaf miner had no influence on stem radial growth or general tree condition. Leaf miner is common in this area and we normally expect Chestnut's

affected by it to be retained as most of the damage to leaves occurs too late in the growing season to cause harm to healthy trees.

7. The objection doesn't specifically claim the tree has bleeding canker, but only that 'it is reasonable to assume that the tree has, or will eventually succumb to, Bleeding Canker.' This is a common disease that is regularly seen on Horse Chestnuts to a greater or lesser extent. If the canker lesions entirely girdle a branch or trunk it will cause it to die, but Forestry Commission advice is not to fell trees as disease progression is very slow and significant numbers of trees do recover. Advice is to remove major branches which are affected and show signs of dieback or recently dead branches.
8. The tree does have multiple stems, ivy growth restricts detailed inspection to a degree, but there are some signs of acute forks. It is recognised that this can increase the risk of failure, but the TPO allows applications to be made to prune it and this could mitigate the risk. The AWA report, prepared on behalf of the owner of the site and which forms the basis of the objection, raises concerns about the tree's ability to tolerate changes in its local environment following the removal of the existing dwelling and the majority of the other trees and shrubs in the garden. However, it is considered that the risk of failure due to this is relatively low as currently the Chestnut is the tallest tree in this part of the garden and the proposed dwelling to the west will provide a degree of shelter in the future, the tree is also young enough to adapt to changes to its environment.
9. It is considered that the canopy is not overly unbalanced and there is currently no obstruction to the road or the pavement. If such issues arise in the future it is considered that they could be resolved through sensitive pruning, the approved planning application proposed a crown lift to 4m which should further mitigate the risk of obstruction. Chestnuts do have poor defences against decay, but as many of the branches in the canopy are still small, pruning could be achieved without the need to create large pruning wounds which would struggle to heal properly.
10. All 3 trees have strong public amenity value; the Chestnut is particularly visible from the junction of Trent View Gardens and the end of footpath 9 which links the Cliffside walk to Cliff Drive. Given that the majority of unprotected trees and shrubs within the main part of the site will be removed to facilitate the approved planning permission, it is in the interests of the local amenity to retain the protected trees for the foreseeable future whilst the site is developed and any new planting around the new houses is given time to establish.
11. The objection from AWA, on behalf of the owner of the site, makes valid points, but overstates them somewhat, particularly as the tree survey produced by AWA for the planning application to develop the site points out that "*The site's most significant trees are the large Walnut and Horse Chestnut. The trees are in relatively good condition and are situated in prominent positions, being visible from the roads to the north east and north west.*" The tree survey also classifies the Chestnut as a BS5837 Category B tree. These are trees of moderate quality with an estimated remaining life expectancy of at least 20 years, the retention of such trees is considered to be desirable when considering the layout of a development site.

12. It is considered that the Horse Chestnut tree makes a positive contribution to the local amenity. Whilst the tree is not perfect and has some minor faults common with Horse Chestnuts, it is currently healthy and suitable for long term retention. Given that permission has been given to develop the site, the continued protection of the tree is advantageous as it will advise future purchasers and occupiers of the property of its value.

RECOMMENDATION

It is RECOMMENDED that the Radcliffe on Trent No.1 TPO 2017 be confirmed without modification.