

Location **Greenlawns Monks Avenue Barnet EN5 1DA**

Reference: **TPP/0453/23** Received: 19th July 2023
Accepted: 19th July 2023

Ward: Barnet Vale Expiry 13th September 2023

Case Officer: **Glenn Kelly**

Applicant: Mr Paul Meehan

Proposal: 4 x Cypress (applicants ref. T1, T2, T3, T4) - Fell and replace with young standard trees. Also replacing with x2 Yew x2 Scots pine standard size. Standing in Area A1 of Tree Preservation Order.

OFFICER'S RECOMMENDATION

Trees: Approve subject to conditions

AND the Committee grants delegated authority to the Director of Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

Condition 1 replacement planting

X 2 scots pine (*Pinus sylvestris*) and x 2 yew (*Taxus baccata*) shall be planted at no smaller than 2.5m high within 3m of the locations of the removed trees. These trees shall be planted before the end of the next planting season following the commencement of the approved treatment (either wholly or in part). If within a period of five years from the date of any planting, the trees is removed, uprooted, or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of appropriate size and species shall be planted at the same place in the next planting season.

Reason: To maintain the visual amenities of the area.

Informative(s):

1. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.
2. Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Biosecurity, trees should not be imported directly from European suppliers and planted straight into the field but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine." To ensure the replacement trees meet bio-security standards they should be purchased from a DEFRA accredited supplier that can be found here:- www.planthealthy.org.uk

3. While trees are alive they provide many benefits for wildlife including food and shelter. When a tree dies or needs to be removed these habitat niches are lost. However, where it is safe and appropriate to do so, the retention of large diameter logs and/or standing dead trees (conventionally at a reduced height) is encouraged, as the natural decay process provides equally important habitats for wildlife. To help maintain and improve wildlife habitats and diversity within Barnet, the retention of logs and/or standing timber on site is encouraged. Logs can be arranged in many different ways - guidance can be found here: www.rhs.org.uk/wildlife/dead-wood-compost-heap-habitats or www.wildlifetrusts.org/actions/how-make-log-shelter. Further information on the importance of deadwood habitats, published by The World Wide Fund for Nature, can be found here: www.forestlife.gr/en/publication-afterlife-tree/

OFFICER'S ASSESSMENT

This application was deferred from the 31st January meeting for Committee Members to undertake a site visit.

Date of Site Notice:

05.05.2022

Consultees:

22 neighbours were notified.

Representations:

The planning authority has received 11 objection comments from the public to this application. All the objectors raised similar concerns which have been summarised as:

- Loss of habitat for birds and wildlife;
- Loss of public tree amenity;
- Trees do not appear to be diseased;
- Location of the trees unclear;
- Unauthorised tree works have already taken place.

1. RELEVANT PREVIOUS PLANNING HISTORY

There have been no previous applications to undertake tree works to these trees.

2. APPEARANCE/AMENITY VALUE

The subject trees are located on a strip of land between Lyonsdown Avenue and Monks Avenue. This land is part of the property known as Greenlawns Monks Avenue Barnet EN5 1DA. During the Summer of 2023 works started to clear the scrub and create or re-instate an access way from the 'snicket' between 19 and 21 Monks Avenue.

The subject trees stand close to the rear boundaries of nos. 7, 9 and 11 Lyonsdown Avenue. They have grown up in close proximity to one another and may have been originally planted as a hedge. The trees stand at approximately 15m in height and have effectively a single canopy. This collective canopy provides screening between the dwellings at Monks Avenue (to the east) and Lyonsdown Avenue (to the west).

The trees are protected by Tree Preservation Order TRE/BA/34 under an area order designation made in 1975. The trees are large enough to have been present at the time the order was made.

There is also another, larger cypress tree that is located with the property no.9 Lyonsdown Avenue EN5 1DU. This tree is close to the subject trees but is not part of this application. The tree owner was concerned that this application included their tree. The applicant provided a more detailed plan that clearly shows that this tree is not part the application. It also stands outside the area order tree preservation order.

The trees provide a meaningful level of public amenity when viewed from Lyonsdown Avenue. The trees are only partially visible from Monks Avenue from nos. 15 to 39, providing limited public amenity when viewed from this location. However, it is the cypress standing within no.9 Lyonsdown Avenue that is most prominent.

The trees do provide considerable private amenity for the residents of Lyonsdown Avenue and Monks Avenue. However, private amenity is not the primary consideration against which the imposition of a Tree Preservation Order can be weighed.

The trees when viewed from the 'snicket' display a considerable level of dysfunction and can be observed on the individual specimens. A detailed assessment of the trees was made by the tree officers who found that x 2 of the trees are already dead and the remaining trees in poor health.

Additionally, there is a mature ash tree immediately to the south of the cypress trees that would benefit from the removal.

The applicant was advised that there is a requirement for replacement tree planting and provided an example of suitable species of tree. There was a considerable period of time between this advice and the applicant agreeing to the suggested replacement tree species. The agreed replacement species are evergreen trees with high biodiversity values being native tree species. Yew trees are capable of living for up to 1000 years and achieving great height and spread. The scots pine also have a long-life expectancy of 300 years and able to grow to a height of 20m +.

3. THE SUBJECT TREES

1 x Cypress (applicants ref. T1) - Fell and replace with young standard trees. Standing in Area A1 of Tree Preservation Order.

Cypress tree with significant level of upper crown die back. The die back appears to be because of infection from a vascular canker called cypress canker (*Seiridium cardinale*). This is a disease that will cause the death of the whole tree in time.

The extent of the die back is so great that removing the dead parts would render the tree with no amenity value.

1 x Cypress (applicants ref. T2,) - Fell and replace with young standard trees. Standing in Area A1 of Tree Preservation Order.

This is a twin stemmed tree that leans over the track way. The upper crown is also infected with cypress canker, but to a lesser degree. This is indicated by the dead branches visible within the upper crown. The loss of this tree would not have a significant impact on public visual amenity on Monks Avenue as it is in front of the larger cypress tree growing within 9 Lyonsdown Avenue that has far greater level of visibility.

1 x Cypress (applicants ref. T3) - Stump retrospective notification to remove a dead tree, replace with young standard trees. Standing in Area A1 of Tree Preservation Order.

Removed under exemptions

1 x Cypress (applicants ref. T4) – Fell dead tree and replace with young standard trees. Standing in Area A1 of Tree Preservation Order. (exempt works)

The removal of this tree would not require permission as the works are exempt from requiring permission.

4. JUSTIFICATION

The proposed works if approved by the committee would allow the removal of 2 trees in poor condition. The other two trees (T3 & T4 applicants plan) have died, and their removal does not require approval.

Removing T1 and T2 will give more space for the remaining ash tree to grow and establish into a large landscape scale tree. This tree species is capable of achieving a height of 20m + and has a normal life expectancy of 200 + years.

The applicants have proposed to replace these trees with 4 native trees x 2 yew and x 2 scots pine which will provide, once established high quality visual amenity similar in nature to the trees removed.

5. COMMENTS ON THE GROUNDS OF OBJECTION

11 letters of objection have been submitted against allowing the cypress trees to be removed. The reasons for the objections have been summarised as; loss of habitats for wildlife, loss of public tree amenity, trees are not diseased unauthorised tree works have already taken place.

The loss of habitat for birds while a consideration in planning is not the primary reason for the making of tree preservation orders, which relates to public tree amenity. It is recommended that an informative is added to ensure nesting birds are not disturbed during the works.

The trees are infected with cypress canker and do not have a long-life expectancy. The replacement trees will, once established in the longer term provide higher visual amenity biodiversity values.

A revised location plan was provided by the applicant clarifying the location of the trees.

6. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions. The Council have considered the Act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

7. CONCLUSION

The proposed tree works will have a low impact on the visual amenity in the local area. Affecting only the immediate neighbours adjacent to the trees with views to the rear gardens on Monks Avenue.

The proposed works and replacement planting would ensure the long-term character of the area which is verdant and sylvan.

