

Committee Report

Application No:	DC/17/00062/TPO
Case Officer	Chris Redfern
Date Application Valid	11 January 2017
Applicant	Mr And Mrs Pettitt
Site:	2 Moraine Crescent Blackhall Mill NE17 7DX
Ward:	Chopwell And Rowlands Gill
Proposal:	Removal of 2 Beech trees in rear garden of 2 Moraine Crescent.
Recommendation:	Split decision
Application Type	Tree Preservation Order Application

1.0 The Application:

1.1 There is a row of 7 mature Beech trees to the rear of Moraine Crescent which are highly prominent and make a significant contribution to the amenity of the wider area. The trees are situated very close to the properties and have all previously been pruned to alleviate the degree of overhang over the property roofs. Moraine Crescent is a row of 3 detached bungalows that backs onto an area of informal open space that appears to have been an agricultural field.

1.2 The trees are protected by Tree Preservation Order ref 74

1.3 DESCRIPTION OF THE APPLICATION

1.4 The applicant proposes to fell Beech Trees T1 and T2 which are located in the rear garden of 2 Moraine Crescent. The reason for the proposal is that the applicant has concerns that trees are in a hazardous condition based on their growth characteristics, their location and the species characteristics of Beech trees. The applicant has submitted an Arboricultural report which has been written by Tyne Valley Woodlands Consultancy in support of their application.

1.5 RELEVANT PLANNING HISTORY

00426/98 - Pruning of roots of one Beech tree in rear garden of dwelling house within TPO 74 approved
 DC/04/01757/TPO - Pruning of two beech trees protected by TPO No 74 approved
 DC/07/01576/TPO - Pruning of 1 beech tree protected by TPO No.74 approved
 DC/09/01329/HHA - Erection of conservatory at rear of dwelling house. Refused

DC/12/01315/TPO - Pruning works to Beech trees located to rear of 2 Moraine Crescent approved (works not carried out)

2.0 Consultation Responses

None Received

3.0 Representations:

Neighbour notifications were issued and site notices were posted. In response, 11 objections have been received together with one petition containing 41 signatures in support of the application.

The main reasons for objection are summarized below:

- The trees are an asset to the area in terms of their aesthetic amenity value and their environmental amenity value.
- The trees act as a screen to the bungalows
- They are the last remaining trees that provide the inspiration for the naming of Beech Grove.
- The trees contribute to the quality of the air and their water uptake will be a loss particularly as the area is prone to flooding
- The trees were there before the bungalows
- The trees are healthy and therefore pose no risk and must stay
- The trees were protected after a campaign led by residents in 1994.
- The trees contribute to positive mental health
- If there is disease will it spread?
- Assuming there are irregularities in structural terms do they necessitate the removal of the trees?
- Is it appropriate for a family member to submit the Arboricultural report in support of the removal of the trees?
- Do not agree with the arguments put forward by the applicants Arborist
- 3 separate Arborists should be commissioned to review the application
- Trees should only be removed if it can be proved beyond reasonable doubt that they are unsafe
- The application does not indicate that the trees are diseased only that they are poorly managed
- Gateshead Councils Trees and Woodland Strategy states that veteran trees should be retained
- It is frustrating that the trees have been accepted by previous residents and just because a new resident comes along and attempts to have them removed without considering the views of the community

The petition in support of the application has the following heading;

“This petition is with regards to the felling of the beech trees in the gardens of No’s 2 and 3 Moraine Crescent. If you are in agreement with our application to the Council it would be appreciated if you would sign below so as to show the Council and the objectors how many of us would prefer them cut down.”

4.0 Policies:

NPPF National Planning Policy Framework

CS18 Green Infrastructure/Natural Environment

ENV44 Wood/Tree/Hedge Protection/Enhancement

5.0 Assessment of the Proposal:

5.1 When considering applications for works to protected trees the assessment is made on the basis of the amenity value of the trees and the likely impact of the proposal on the amenity of the area. In the light of this assessment it is then necessary to consider whether or not the proposal is justified, having regard to the reasons put forward in support of the works by the applicant. In general terms the higher the amenity values of the trees and the greater the impact of the application on the amenity of the area, the stronger the reasons need to be for consent to be granted.

5.2 In this instance the amenity value of the trees are high, therefore the reasons must be justified, or the works must not have a long term detrimental effect to the health or amenity provided by the trees.

5.3 The works to each tree will be considered in turn:

5.4 TREE 1

Fell Beech tree to ground level.

5.5 REASON FOR THE PROPOSAL

The tree has significant inclusions in its lower trunk which result in weak branch attachments for large co dominant stems

5.6 APPRAISAL OF THE PROPOSED WORKS

T1 Beech Tree

5.7 The tree is a significant specimen that is between 18 and 20 metres in height with a significant diameter. There are significant inclusions at 4m, each of which has a high potential of for failure. *Note - Included bark is where you have bark to bark contact at a branch union. As a result the strength of the structure can be seriously compromised. A*

very high proportion of branch failures are as a result of unions that contain included bark. The proportion is even higher for Beech trees. There are also visible signs of decay in and around this area the extent of which is unclear but is nevertheless a serious concern considering the location of the tree in close proximity to the dwelling and patio area which is likely to be occupied for extended periods of time. It is therefore concluded that in its current state the tree is a hazard to person and property.

5.8 It would be possible to reduce the size of the canopy in order to reduce the potential hazard of the tree however the level of reduction necessary would be so extreme that the tree would be unable to recover. This is based on the Councils Arboricultural officer's experience of the species and the industry standard recommendations in the British Standard for Tree Works 2010.

5.9 TREE 2

Fell Beech tree to ground level.

5.10 REASON FOR THE PROPOSAL

The tree will be exposed by the loss of nearby trees and could potentially fail as a result of this exposure to high winds.

5.11 APPRAISAL OF THE PROPOSED WORKS

T2 Beech Tree

5.12 This tree is again a significant specimen that is close to 20m in height with a significant diameter. The tree divides at 6m to form a co dominant stem with included bark. However the included bark is not acute and the fork is predominantly upright and should therefore exert a lesser force on the union compared to a more spreading canopy.

5.13 There does not appear to be any signs of disease or significant decay and the tree appears to be in reasonable health. However it is in very close proximity to the property and therefore any defects should be considered very carefully as failure of the tree is likely to be catastrophic. If the neighbouring tree was to be removed it is likely that there would be a greater risk of failure as the tree would be more exposed to strong winds. However this could be mitigated by the reduction and re balancing of the canopy in order to reduce the wind sail effect of the canopy. The extent of the reduction would be much less than T1 and it is therefore far more likely that the tree could recover from the pruning works.

5.14 OTHER MATTERS

- 5.15 11 Objections have been received regarding the proposal and most have been considered in the main body of the report the following provides some clarity on the elements that have not been covered in the main body of the report;
- 5.16 The trees are the remnants of the trees that provided the name to the street Beech Grove - the council has no evidence to connect the trees to the naming of this street however, it will be possible to attach a condition to a potential approval to provide replacement Beech trees in order to retain the connection
- 5.17 They act as screen to the bungalows and they contribute to positive mental wellbeing, this is not in dispute however some of the trees are considered hazardous to persons and property and it would be unreasonable to retain hazardous trees that could serious damage to property or worse.
- 5.18 The application does not indicate the trees are diseased only that they have been poorly managed. Unfortunately it is in the formative years when the structure of a tree can be influenced. The recent management has been directed towards retaining the trees, it was the formative works in the trees early years that caused the structural problems that need to be addressed now.
- 5.19 Veteran trees should be retained according to Gateshead Councils Draft Tree and Woodland Strategy. This is not in dispute however some of the trees are considered hazardous to persons and property and it would be unreasonable to retain hazardous trees that could serious damage to property or worse.
- 5.20 3 separate independent Arborists should be commissioned to review the application - the applicants Arborist has over 25 years professional experience in the field and the Councils Arboricultural Officer has in excess of 17 years' experience in Arboriculture and is qualified to an advanced level in the assessment of hazardous trees. Both have a professional duty to provide unbiased and factual reports. It would be unreasonable to expect the applicant to provide additional information when the basic facts of the application are not in dispute between the industry experts.

6.0 CONCLUSION

- 6.1 It is clear that the trees are a valuable and well-loved feature within the community. Their amenity value is not in question however the trees can only be retained providing that the Council can be reasonably sure that the trees do not present a hazard to persons and property. It is considered that the tree T1 is a hazard to persons and property and cannot be reasonably retained. Further there is no safe remedial

works, restraint or support system that would allow the trees to be reasonably retained therefore on balance taking all of the relevant issues into account above it is recommended that the application to fell the Beech tree T1 should be approved.

- 6.2 The application to fell the Beech tree T2 is recommended to be refused. The Beech tree T2 is in reasonably good health and should be able to be retained if sympathetic pruning is carried out in order to reduce the wind sail effect to the canopy.

7.0 Recommendation:

A Split permission where Beech tree T1 is recommended for approval and Beech tree T2 is recommended for refusal given that the tree is healthy and following some remedial works would be able to be retained safely.

Conditions for works to T1

1

The tree work hereby approved shall be completed within 2 years from the date of this consent.

Reason

To enable the work proposals to be reviewed in light of any future changes in the condition of the tree(s) concerned in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

2

The tree work hereby approved shall not exceed the following limits;

Beech tree T1 fell to ground level only

Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and policy CS18 of the CSUCP

3

1 replacement Beech tree (Standard size, with a clear stem of 1.8m and a circumference of at least 10 to 12 cm 1meter above ground level) must be planted no later than the end of the first planting season following the removal of the abovementioned tree. The species choice and location must be first approved in writing by the Local Authority before the works can take place. If

the replacement tree is removed, damaged, becomes diseased or dies, it must be replaced no later than the end of the next available planting season.

Reason

In order to provide continued tree cover, in the interests of the visual amenity of the area and in accordance with policy ENV44 of the Unitary Development Plan, NPPF - National Planning Policy Framework and CS18 - Green Infrastructure/Natural Environment

Reason for refusal for works to T2

1

The tree forms an important and prominent role within the landscape of the area and its loss would result in a substantial loss of visual amenity to the neighbourhood.

The Beech tree does not have any serious defects or health concerns that could not be addressed by reasonable remedial works and no supporting information has been submitted that demonstrates that the tree could not be retained safely if sympathetic remedial works were to be carried out. Therefore there is no justification for the removal of the tree. The proposal is therefore contrary to policy ENV44 of Gateshead Council's Unitary Development Plan, CS18 – Green Infrastructure/Natural Environment and the National Planning Policy Framework which seeks to protect tree cover.

