

Committee Report

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| Application No: | DC/17/00063/TPO |
| Case Officer | Chris Redfern |
| Date Application Valid | 11 January 2017 |
| Applicant | Mr John Brough |
| Site: | Beech Trees 3 Moraine Crescent Blackhall Mill NE17 7DX |
| Ward: | Chopwell And Rowlands Gill |
| Proposal: | Removal of 3 Beech trees in rear garden of 3 Moraine Crescent. |
| Recommendation: | Grant Permission |
| 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, T2 and T3 which are located in the rear garden of 3 Moraine Crescent. The reason for the proposal is that the applicant has concerns that the 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

DC/04/01785/TPO - Pruning of 2 x Beech trees and felling of 1 x Beech tree within TPO No.74. Split decision

DC/05/00195/TPO - Pruning of 1 beech tree protected by TPO No 74. Approved

DC/11/01449/TPO - Proposed tree works that include the reduction of the canopies of 3 Beech trees by 5 metres at 3 Moraine Crescent Blackhall Mill. Approved

2.0 Consultation Responses

None

3.0 Representations:

Neighbour notifications were issued and site notices were posted. In response, 10 objections have been received together with one petition containing 41 signatures in support of the application.

The main reasons for objection are summarised 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. In 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 the 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 will be exposed following the removal of T2 and T3

5.6 APPRAISAL OF THE PROPOSED WORKS

This tree is the smallest of the 3 trees in the garden and has pronounced lean to the east. It appears to be in reasonably good health but has been overshadowed by the larger more dominant specimens T2 and T3. This probably explains the heavy lean to the east in search of light. The lower stem is covered in Ivy which restricts detailed examination of the condition of the stem. However in amenity terms this tree is considered to exhibit poor form and is a poor specimen. If Trees T2 and T3 are removed this tree will be exposed to the prevailing wind. As the tree has benefited from the shelter of the larger more dominant trees for all of its life, it will not have developed a strong root structure that could have adapted to withstand strong

winds. It is therefore likely that as a result of this exposure that it will be extremely prone to wind throw.

5.7 TREE 2

Fell Beech tree to ground level.

5.8 REASON FOR THE PROPOSAL

The tree has a number of major inclusions that are considered to be hazardous to persons and property

5.9 APPRAISAL OF THE PROPOSED WORKS

5.10 The tree is a significant specimen that is between 15 and 18 metres in height with a significant diameter. There are significant inclusions at between 2 and 4m from the ground, each of which has a high potential for catastrophic limb 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 the species Beech. This is a serious concern considering the location of the tree is 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.

5.11 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.

5.12 TREE 3

Fell Beech tree to ground level.

5.13 REASON FOR THE PROPOSAL

The tree has a number of major inclusions that are considered to be hazardous to persons and property

5.14 APPRAISAL OF THE PROPOSED WORKS

5.15 The tree is a significant specimen that is between 15 and 18 metres in height with a significant diameter. The tree divides into 4 major stems at low level, each of the stems has major inclusions, each of which has a high potential of for catastrophic limb failure. This is a serious concern considering the location of the tree is 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.

- 5.16 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.
- 5.17 OTHER MATTERS
- 5.18 10 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;
- 5.19 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
- 5.20 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.
- 5.21 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.
- 5.22 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.
- 5.23 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 trees T2 and T3 are a hazard to persons and property and it follows that if they are removed T1 must be removed as a consequence of this action. Further there is no safe remedial works, restraint or support system that would allow the trees to be reasonably retained. Therefore on balance and taking all of the relevant issues into account above it is recommended that the application to fell the Beech trees should be approved subject to a condition to provide replacement tree planting.

7.0 Recommendation:

GRANT consent, subject to the following conditions:

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 trees T1, T2 and T3 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

3 replacement Beech trees (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

