

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th April 2007

**REPORT OF CORPORATE DIRECTOR
OF
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

07/0125/X

**Rear of Norton High Street, back of Health Centre and adjacent Allotments
Application to fell 5 no. Pear trees, 2 no. Sycamore trees, 1 no. Ash tree and 1 no.
Red Horse Chestnut tree
Stockton on Tees Borough Council (Land off Norton High Street, Stockton on Tees)
Tree Preservation Order 2006 No 653**

Expiry Date: 10 April 2007

Summary

The Tree Preservation Order on this site was made on 31st October 2006 and confirmed on 2nd February 2007, as the trees were considered worthy of protection for reasons of their visual amenity, and at the time afforded protection to the trees, which were considered to be under threat of felling by developers.

This application seeks consent to fell 9 no. trees – a mix of Sycamore, Pear, Ash, Red Horse Chestnut and Sycamore located to the rear of High Street, Norton. It is alleged that those specimens are dead, dying, diseased, decaying or in poor form with short life expectancy.

Nine letters of objections to the proposal have been received from residents in the area on the grounds that there is insufficient justification to fell the trees - in that the trees are not in such a poor condition and would in any case provide a habitat in a poor condition, the loss of wildlife, loss of wildlife habitat, loss of outlook and views from neighbouring properties, loss of environmental quality, loss of historic trees, detrimental impact on the quality of life, loss of skyline and well being of the village, and loss of screening to (road) A19 and Billingham Road. However, there is support for replacement planting should felling take place.

The Council's Arboricultural Officer has visited the site and considers that the trees are in poor condition and supports their removal subject to replacement planting.

It is considered that the trees, as part of a wider group, have a positive impact on the quality of local visual amenity and the loss of 9 individuals from the group would not have an unacceptable impact on the contribution of the group to landscape quality and visual amenity particularly having regard to the contribution which will be made by the 9 replacement trees.

RECOMMENDATION

It is recommended that consent to fell made under application number 07/0125/X be granted subject to the following conditions:

- 01** ***The development hereby approved shall be in accordance with the following approved plan(s): unless otherwise agreed in writing with the Local Planning Authority.***

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0002</i>	<i>13 February 2007</i>

Reason: To define the consent.

- 02.** ***The work hereby approved shall be solely the felling of: -***

***T3525 Sycamore Tree
T3527 - T3530 Pear Trees
T3543 Red Horse Chestnut Tree
T3545 Ash Tree
T3560 Sycamore
T3565 Pear***

as identified on drawing number SBC 0002

Reason: For the avoidance of doubt and to define the consent.

- 03.** ***All trees that are felled shall be replaced with a specimen or a type and species to be agreed with the Local Planning Authority, before the removal of the trees and which shall be planted within the first planting season following the removal of the trees. Should any replacement tree die, become damaged or diseased within five years it shall in turn be replaced within the first planting season following its demise with a species to be agreed in writing with the Local Planning Authority.***

Reason: In the interests of the visual amenities of the area.

- 04.** ***All works to be carried out in accordance with arboricultural best practices to a minimum standard of BS3998 Tree Works: Specifications***

Reason - In the interests of amenity and the maintenance of landscaping features on the site.

The proposal has been considered in accordance with advice set out in 'Tree Preservation Orders: A Guide to the Law and Good Practice (2000)'

BACKGROUND

The Tree Preservation Order (Land off Norton High Street, Stockton on Tees) 2006 No. 653 (TPO) was made on 31st October 2006 and confirmed on 2nd February 2007. The TPO is

area based, partially within the Norton Conservation Area and lies to the east of Norton High Street (roughly to the rear of 34 to 92), and to the west of properties on Billingham Road, and Hillside, Crathorne and Renfrew Road. The Order was considered essential, as the trees are worthy of protection for reasons of visual amenity, and at the time and at the time afforded protection to the trees, which were considered to be under threat of felling by developers.

THE PROPOSAL

1. This application is seeking consent to fell 9no. trees.

The trees that are the subject of this application, the proposed operation and submitted justification are set out below:

Tree Number & Type	Proposed Operation	Reason for Operation
T3525 Sycamore	Fell	Poor Form – Short safe life expectancy
T3527 Pear	Fell	Dead
T3528 Pear	Fell	Dead
T3529 Pear	Fell	Dead
T3530 Pear	Fell	Almost dead
T3543 Red Horse Chestnut	Fell	Diseased – in decline short safe life expectancy
T3545 Ash	Fell	Diseased – in decline, short safe life expectancy
T3560 Sycamore	Fell	Decayed base, short safe life expectancy
T3565 Pear	Fell	Decayed base, dangerous condition

A site location plan (SBC001) is attached at Appendix 1 and a detailed layout (SBC002) at Appendix 2.

CONSULTATIONS AND VIEWS RECEIVED

Councillors

2. No comments received

Arboricultural Officer

3. I understand the applicant proposes to fell 9no trees on the site that are reported to be in poor condition or that may be described as dead, dying or dangerous.

It is understood that all the proposed works are primarily for 'arboricultural reasons' - i.e. essential tree maintenance in response to structural defects, ill health etc.

The trees in question as listed in the report were found to be in the condition described therefore I would recommend consent for the trees to be removed as part of good arboricultural management of the site. To extend this further it is recommended that the 9no. trees removed are replaced with appropriate species and size of tree in suitable locations on the same site - they should not be located where they will be suppressed or

shaded by adjacent mature trees and also planted in locations where they can flourish and ultimately contribute to the long term amenity of the site and area.

In this instance and appropriate for this site, I would recommend tree replacements include medium to large varieties of tree, preferably native species including minimum 12-14cm girth trees. I can provide further advice or clarification on this if requested.

Building Control Manager

4. No comments received

PUBLICITY

5. Neighbours were notified and the application was advertised on site. Nine letters of representation have been received objecting to the proposal and the grounds of those objections are summarised below:

The Lovetts of 39 Hillside Road Norton protest in the strongest possible terms to the application and have stated this completely unjustified and selfish act will:

- Have a detrimental effect upon local wildlife, such as birds, foxes and squirrels.
- Detract from the natural aspect of the area.
- Lower the quality of life for everyone in the vicinity.
- Destroy an entire mini-environment, as well as a group of historic - or potentially historic- trees.

They have asked what the point of a preservation order is if it isn't invoked to preserve worthy objects places.

Jean Sauvary of 32 High Street Norton objects to the application on the ground of insufficient cause for their removal. She has stated that whilst these trees may be either old, diseased, damaged or in otherwise bad condition, she would assume that they could continue to remain in that state, for many years to come. She also states that in remaining they could continue to provide some refuge and habitat for whatever wildlife remains.

Jan Harley of 58 High Street Norton objects to the planning application

Terry Pearson of 60 High Street Norton objects to the application and states that the recent works to the trees has caused desecration and destruction of the land behind the High Street.

R A Bailey of 62 High Street Norton objects to the application, as he believes this area cannot sustain anymore felling; habitat, wildlife and fauna must be preserved. He believes the TPO must stand to uphold the importance/maintenance of a small 'greenbelt' crucial to the skyline and environmental well being of our 'village'.

Mr & Mrs Carthew of 78 High Street Norton objects to the application, as they believe the visual amenity of the area should be protected. They do not believe all the trees are in such a poor condition and object to the felling of trees unless they really are dead.

Mrs Bainbridge of Garden Cottage Rear Of 84 High Street objects to the application, as the area is part of an area of plant, bird and squirrel life. She is concerned the felling will have a negative effect on the view from her property and neighbouring properties. If the trees to be felled are diseased Mrs Bainbridge supports the planting of replacement trees.

Mrs Anna Walker of Holly Cottage Rear Of 84 High Street, Norton objects to the application, as her outlook would be ruined, the trees enhance the view from her property and bring wildlife to the surrounding area.

Mrs K Boland of 21 Hillside Road Norton strongly opposes the application as it will disturb the wildlife and ruin the pleasant outlook of the area. The area needs these trees and greenery as a screen to the busy Billingham Road and A19 nearby.

MATERIAL CONSIDERATIONS

6. The advice to Local Planning Authorities in respect of Tree Preservation Orders is set out in 'Tree Preservation Orders: A Guide to the Law and Good Practice (2000)' and this draws from primary legislation set out in Town and Country Planning Act 1990 as amended and updated by the Town and Country Planning (Trees) Regulations 1999.
7. In deciding this type of application, the Local Planning Authority are not required to have regard to the development plan. Section 38(6) of the Planning and Compulsory Purchase Act is not therefore applicable, and there is no duty on the Local Planning Authority to make their decision in accordance with the development plan.
8. The Local Planning Authority are advised to:
 - (1) *Assess the amenity value of the tree or woodland, and the likely impact of the proposal on the amenity of the area, and*
 - (2) *In the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.*

And to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

ASSESSMENT OF AMENITY VALUE

9. The application to fell 9no. trees has been assessed by the Council's Arboricultural Officer, who has confirmed that the trees are in the condition described in the application and subject to appropriate replacement trees supports the application. While some of the objectors contend that the condition of the trees is such that felling is not justified, the professional view of the Council's Arboricultural Officer is that the trees should be removed in the interest of good arboricultural management of the site.
10. Whilst it is acknowledged that, dead, decaying and diseased trees can provide a valuable habitat for wildlife, the main intent of this Tree Preservation Order is to preserve the trees for their contribution to visual amenity. The site is not subject to any nature conservation designations and any works which may affect a protected species and/or their habitat will require a separate licence from DEFRA. In light of this, it is not considered that the retention of the trees for their contribution to nature conservation interests is sufficient to warrant refusal of consent on those grounds. Furthermore, it should be noted that replacement planting required by condition would contribute to the nature conservation interest the site in the longer term.
11. Local residents have concerns in respect of the adverse impact of the loss of the trees on outlook, views, the quality of the environment and well being of the community. It is

considered that the trees, as part of a wider group, have a positive impact on the quality of local amenities. However, it is not considered that the loss of 9 individuals from the group would have an unacceptable impact on the contribution of the group to landscape quality and visual amenity. Furthermore, the scheme would have a positive impact on the contribution of the group to local amenity as the replacement planting would be properly located and managed for long term health.

12. The Building Control Manager has not commented on the proposal.

CONCLUSION AND RECOMMENDATION

13. It is considered that having regard to the condition of the trees and the limited impact of their loss on amenity, the trees should be removed in the interest of good arboricultural management of the site. Furthermore, the scheme would have a positive impact on the contribution of the group to local amenity as the replacement planting would be properly located and managed for long term health. It is considered that the objections to the felling of the trees are not substantiated and do not override the positive benefits that will be provided by the replacement planting. The application is therefore recommended for approval.

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Financial Implications

None

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Application for consent to fell 07/0125/X

Tree Preservation Orders: A Guide to the Law and Good Practice (2000)

Town and Country Planning Act 1990

Town and Country Planning (Trees) Regulations 1999.

Ward Norton North

Ward Councillors Councillor M Frankland
Councillor K Nelson