

DELEGATED

AGENDA NO
PLANNING COMMITTEE

10 JUNE 2015

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

15/0384/X

Riverside, 11 Teesbank Avenue, Eaglescliffe

Application to remove 2.no Larch trees in the rear garden

Expiry Date 10 April 2015

SUMMARY

This application for tree works is to fell 2.no Larch trees in the rear garden of 11 Teesbank Avenue in Eaglescliffe.

The main reasons given by the applicant to fell the Larch trees is because of the poor form of the trees and he also wishes to eliminate the risk of the trees falling due to land movement.

There has been 6 letters of objection received for this application. The main concerns of the neighbours are the effect the removal of the two trees will have on the visual amenity and biodiversity of the area.

The Principal Tree and Woodland Officer recommends the proposal to fell the Larch trees is approved on the grounds that the trees are of poor structural form and individually do not have significant specimen value.

The application is therefore recommended for approval.

RECOMMENDATION

That Tree Preservation Order application 15/0384/X be approved subject to the following conditions -

- 01. The works hereby permitted shall be begun before the expiration of 24 months from the date of this permission***

Reason: To ensure appropriate works are carried out within a reasonable time period due to tree health and condition being variable over time and the recommended management for trees is based on tree condition at the time of inspection.

BACKGROUND

The 2.no Larch trees are protected under Tree Preservation Order 769 (00.8.5.770) which was confirmed on 23 September 2011.

SITE AND SURROUNDINGS

The 2.no Larch trees are located in the rear garden of 12 Teesbank Avenue in Eaglescliffe. This area is dominated by large rear gardens, which have a significant slope down to the River Tees and mature landscaping. This area is also located in the boundary of the Tees Heritage Park.

PROPOSAL

The applicant seeks permission to fell 2.no Larch trees in the rear garden of 11 Teesbank Avenue, Eaglescliffe and wishes to carry out the works because of the poor form of the trees and to eliminate the risk of the trees falling due to land movement.

CONSULTATIONS

The following Consultees were notified and comments received are set out below:-

Principal Tree and Woodland Officer

I therefore recommend consent for the works as proposed with no conditions.

These are my comments in response to the revised application, same ref number - i.e. change from 'scotch pine' to 'Larch' trees - recommend consent same as before.

I have inspected the trees at 11 Tees bank Avenue in connection with the current application to undertake works, reference 15/0384/X.

I understand it is proposed to fell 2 x 'Scotch Pine' trees in the rear garden due to concerns about their poor form/risk of failure.

I met the applicant, Mr Burns on site to discuss at the time and viewed the trees.

From my observations the trees were in fact Larch, not Pine trees and were within a group of 5 similar trees.

In my opinion all the trees were of poor structural form as they had very low 'live crown ratio' in relation to their top height and had very tall slender stems with very high 'height to stem diameter' ratios, i.e. this means they are very tall without sufficient stem taper and have a very small percentage of live foliage in relation to their height, therefore it can be considered they have an increased risk of stem breakage compared to most other trees. I was also concerned about root anchorage as there were signs of erosion and bank slippage/instability where the trees were located, but only limited signs of anchorage roots on the lower side of the trees.

I did not consider the individual trees to have any significant specimen value however the group of trees together provide some limited visual amenity.

Mr Burns outlined that he wished to remove to poorest/weakest 2 trees in the group to leave the stronger, better 3 - for example, the tree nearest the northern boundary was very spindly compared to the rest and the second tree in, when counting from the south end was leaning into the neighbouring tree.

I also considered the potential impact of doing this work as well as the arboricultural need to remove the trees - I did consider it would be acceptable as part of longer term management (allowing for replacement trees) and that is not likely to have a significant visual impact.

I advised Mr Burns I would recommend consent for this on the condition that new trees are replanted - he then showed me 3 new Scots Pine trees that he had planted slightly further up the bank. Therefore I would accept he has already made provision for this in respect of the trees he proposes to fell.

Councillors
No comments received.

PUBLICITY

Neighbours were notified and comments received are set out below:-

6 letters of objection were received from the following addresses:
12 Teesbank Avenue Eaglescliffe, 10 Ruislip Close Stockton-

The Grounds of objection can be summarised as:

Why does the tenant at no.11 want to cut down more trees. He should be made to plant more trees, to replace the ones he's already cut down without planning.

The trees in question nestle a large variety of animal life of which would be caused distress if the trees are removed. Owls, various types of birds can be seen feeding off the needles and making nests within the trees. Squirrels can also be seen in the trees, which provide protection from foxes.

No reason to remove them as they are of no danger to the property or the tenant.

Removal of such large trees so close to the river could potentially unsettle the bank and become unsafe and affect both neighbours as well as those that wish to use the river for recreational purposes.

Allegations of trees being removed over the past 10 years without consent and need to replace them all

Loss of mature trees next to the river in the heritage park should have to be confirmed as dangerous before anyone is allowed to butcher them.

Should be made to replace the trees with mature native Oak trees.

As the Tenant of number 11 Teesbank has butchers, and removed mature trees in the Tees heritage park over the last 10 years, he should be made to replace them.

A court case is pending and this should be noted by the officers.

PLANNING POLICY

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning

application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

The following planning policies are considered to be relevant to the consideration of this application:-

National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

MATERIAL PLANNING CONSIDERATIONS

The material planning considerations relating to this application to fell two Larch trees protected by a Tree Preservation Order are the effect on the character and appearance of the local area if the Larch trees are felled and whether the reasons given for felling the Larch trees are sufficient to justify that course of action.

The effect on the character and appearance of the local area if the Larch Trees are felled

The Principal Tree and Woodland Officer has inspected the Larch trees and considers that the trees were of poor structural form as they were very tall without sufficient stem taper and had a very small percentage of live foliage in relation to their height, therefore they have an increased risk of stem breakage. In addition, it was also considered that the Larch trees individually did not have any significant specimen value. Therefore the felling of the trees will have not have a significant visual impact on the surrounding area or Tees Heritage Park.

Whether the reasons given for felling the Lime Tree are sufficient to justify that course of action.

There have been six letters of objection received to this application, five letters of objection have been received from 12 Teesbank Avenue and one letter received from 10 Ruislip Close. The main concerns of the neighbours are the effect the removal of the two trees will have on the visual amenity and biodiversity of the area. The Principal Tree and Woodland Officer has inspected the trees and considers that they both have low visual amenity and poor structural form. The applicant wishes to remove two of the weakest trees within a group of five trees in order to leave three stronger trees. The applicant has also planted 3.no Scots Pine trees nearby, which is considered sufficient provision to replace the trees proposed to be felled.

The Principal Tree and Woodland Officer assessed the trees using the professional tree risk assessment methodology, visual tree assessment method (VTA) and applied the principles of best practice with regard to assessing obvious signs or symptoms of ill health or structural defects. However the onus is on the owner of the tree to inspect and maintain it not the Council, nevertheless if they wish to undertake work they need to provide adequate supporting information. The Local Planning Authority (LPA) can only act on the available information and unless the

supporting information demonstrates a clear need to remove the tree the LPA are not obliged to grant consent or be found liable for any subsequent loss or damage. Nonetheless a tree is inspected by the Council's qualified arborist and in the event structural defects or health problems are found the arborist would evaluate their significance, the possible need for further investigation and recommend management options. Any defects or problems are considered in the light of the proposal before making a final recommendation or provide further guidance on what is required.

As part of the Principal Tree and Woodland Officer's assessment the trees condition is visually assessed and relevant factors plus supporting information taken into account. The Principal Tree and Woodland Officer is fully aware of the Planning and Compensation Act when making decisions and is fully aware of the implications of this, e.g. damage or loss would normally have to be foreseeable, however consent will always be recommended for tree management that ensures an acceptable level of risk is attained.

The Principal Tree and Woodland Officer was also concerned about root anchorage as there were signs of erosion and bank slippage where the trees were located, but only limited signs of anchorage roots on the lower side of the trees. Therefore due to this reason and the fact that 3.no Scots Pine trees have already been planted, it is considered that there are sufficient reasons to justify the removal of the Larch trees.

Residual Matters

Objections relating to felling of other trees at the property are not a material consideration in this instance and the application can only be considered in relation to what has been applied for, which is consent to fell 2.no Larch trees.

CONCLUSION

Therefore the Larch trees are of poor structural form and individually do not have significant amenity value. The applicant has also planted 3 Scots Pine trees which are considered to be acceptable replacements.

It is recommended that the application be Approved for the reason specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Joanne Hutchcraft Telephone No 01642 526197

WARD AND WARD COUNCILLORS

Ward	Eaglescliffe
Ward Councillor	Councillor Phillip Dennis
Ward	Eaglescliffe
Ward Councillor	Councillor Stefan Houghton
Ward	Eaglescliffe
Ward Councillor	Councillor Laura Tunney

IMPLICATIONS

Financial Implications:

None

Environmental Implications:

As report

Human Rights Implications:

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

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

Background Papers

Adopted Core Strategy – 2010

Emerging

Regeneration and Environment Local Plan – Publication February 2015.