

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**10 April 2024**

**REPORT FOR ASSISTANT DIRECTOR OF  
INCLUSIVE GROWTH AND DEVELOPMENT**

**23/2192/X**

**Woodend Court, The Wynd, Wynyard**

**Application to reduce height by 5m, prune side to shape and reduce limbs in by 2-3m to include removal of deadwood to 1no Oak tree (T3), 2no Sycamore trees (T5 and T7 of G1) and 1no Oak tree (T13 of G1), reduce height by 4m and prune sides to shape, reduce limbs in by 2-3m to include removal of deadwood to 3no Oak trees (T4, T11 and T15 of G1), fell 1no Larch tree (T12 of G1) and 1no Hawthorn tree (T14 of G1) and remove crown leaving the stem as a monolith at 6m to 1no Oak tree (T17 of G1) to tree preservation order 458 (00.8.5.455)**

### **SUMMARY**

Approval is sought for works to trees covered by a tree preservation order, which consist of works to reduce the heights and general shape of a series of trees.

There have been a seven objections mainly questioning the reason for the works and whether they are necessary.

The proposed works have been considered by the Councils Principal Tree and Woodland Officer and overall it is considered that the works proposed are acceptable to ensure the safety and future health of the tree group.

The works proposed are therefore recommended for approval as detailed below.

### **RECOMMENDATION**

**That planning application 23/2192/X be approved subject to the following conditions below;**

#### **1. Time Limit**

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.

#### **2. Habitat and wildlife**

As detailed in BS 3998:2010 Prior to work commencing, the tree and its surroundings should be assessed for the presence of protected species, some of which are subject to season-specific legislation. Any works should be planned so as to limit their potential adverse impact on wildlife generally. The timing of works should take account of the seasonal cycles of the species of fauna and flora concerned (including the nesting habits of birds and the egg-laying habits of insects).

Reason: In compliance with the Habitat Regulations and Countryside and Wildlife Act.

#### **3. Extent of Works**

Permission is granted for the works as detailed in this approval. The crown reduction work should adhere to pruning mainly 'soft growth' eg under 75mm diameter, on the outer part of the tree crown to reduce overall height and spread but must not include removal of larger structural branches over this size. Branch reductions must also ensure pruning back to suitable junctions to retain sufficient live foliage that will support continued growth/prevent branch die-back. Pruning must be done evenly all round to maintain the tree's natural form and symmetry. Visible deadwood may be removed as required.

All works must be undertaken to a high professional standard in accord with arboricultural best practice and in line with BS3998: 2010 Tree Work Recommendations

Reason: In the interests of visual amenity and health .and wellbeing of the trees

### **BACKGROUND**

1. A Tree Preservation Order (TPO) was confirmed for the trees under (00.8.5.455) on 30<sup>th</sup> March 2004.

### **SITE AND SURROUNDINGS**

2. The trees are located to the West of Woodend Court, Wynyard.

### **PROPOSAL**

3. The application seeks consent for the works to various trees covered by a group tree preservation order.
4. The works originally included the felling of T4, however this is no longer proposed and the description has been amended accordingly.

### **CONSULTATIONS**

5. The following consultation were notified and any comments received are set out below;
6. SBC Tree & Woodland Officer  
An arboricultural report has been provided as part of the tree works application proposal. I have reviewed the specific work proposals (the trees in question are indicated on the report site plan). I note a lot of neighbour objections for this work taking place, however, it appears the purpose of the supporting arboricultural application, was to review the current condition of the trees within this tree group and provide appropriate recommendations to make the trees safe mainly due to branch loss and visible defects due to historical storm damage. It appears that this tree group has, over years, been susceptible to storm damage and until now this has not been reviewed for corrective remedial tree work.

The report condition of the trees showing branch loss and splitting, some are hanging in the trees. The fallen branches have in turn affected neighbouring trees which now also require remedial work. The work proposals appear to generally make the trees safer whilst improving the tree form, where storm damage has affected the structure of the trees.

Dead wood and hanging branches are noted for T3, T4 and T16. Such work would be allowed to be completed as exempt works, to maintain the trees safety.

Specifically, other mentioned proposals are :

T3 Oak: this tree is recommended for a height reduction (reducing sparse areas of the upper crown) to reduce the partly storm damaged areas of the upper crown where there has been branch loss. This recommendation would be acceptable.

The report mentions this would also achieve reducing the 'wind sail area', by side crown reduction (reducing limbs by a maximum of 2 - 3 m) aiming to reduce the tree shape, in doing

so, aiming to minimise the future wind effect on the tree and allowing the tree to develop from growth points following this reduction work. Consent can be granted for this work to take place.

T4 Oak: is recommended for either removal or reduction. There are early signs of a fungal decay pathogen at the base of the tree. The surveyor recommends felling the tree, and mentions a proximity of the tree to properties. Based on the level of information at this stage we would refuse the request to fell - photographic evidence of the fungal presence would support the claim or other wider issues such as dieback in the crown being evident would also support a potentially declining condition. we recommend that this tree is surveyed regularly in the future for any declining symptoms that may be indicative towards a worsening condition of the tree.

T5 Sycamore: proposed dead wood removal. Consent can be granted for this proposal.

T7 Sycamore: proposed dead wood removal. Consent can be granted for this proposal.

T11 Oak: proposed reduction by 4 metres and prune sides to shape, reducing limbs by a max 2 - 3 m plus removal of dead wood, reducing the 'wind sail area', by side crown reduction aiming to minimise the future wind effect on the tree and allowing the tree to develop from growth points following this reduction work.  
Consent can be granted for this work to take place.

T12 Larch: proposed to be felled as it is now exposed due to failure of the surrounding trees, and evidence of branch failure in the crown. Consent granted for this to proceed.

T13 Oak: proposed dead wood removal. Consent can be granted for this proposal

T14 Hawthorn: proposed dead tree to fell. Consent can be granted for this proposal.

T15 Oak: it is proposed to lessen wind forces by crown reduction of 4 metres and reducing limbs by a maximum of 2 - 3 metres. Through crown reduction work this would aim to minimise the future wind effect on the tree and allowing the tree to develop from growth points following this reduction work. Consent can be granted for this work to take place.

T17 Oak: Recommended to remove the crown and leave as a standing stem at 6 metre height. The reason for work being due to the significant storm damage that the tree has suffered and it's proximity to car parking and property. Consent can be granted for this work to take place.

To summarise, consent is approved on the above tree work proposals except for the proposal to fell T4, the report mentions an alternative proposal of a reduction to mitigate wind sail factors of the tree at present. A crown reduction for T4 can be approved in line with the same crown reductions of Ts 11 and 15: crown reduction work by 4 metres in height and reducing limbs by a maximum of 2 - 3 metres all around.

The above approvals and specifically for crown reduction work should adhere to pruning mainly 'soft growth' eg under 75mm diameter, on the outer part of the tree crown to reduce overall height and spread but must not include removal of larger structural branches over this size. Branch reductions must also ensure pruning back to suitable junctions to retain sufficient live foliage that will support continued growth/prevent branch die-back.  
Pruning must be done evenly all round to maintain the tree's natural form and symmetry.

Visible deadwood can be removed as required.

All works to be undertaken to a high professional standard in accord with arboricultural best practice and British Standard 3998: 2010 Tree Work Recommendations.

7. Wynyard Parish Council

Parish councillors have expressed concern over the quality of the expert advice on which this application is based; and aspects of the content of the application itself also seem highly questionable, to the extent that its validity is doubtful. It is not clear from the application whether, in planning terms, the applicant is the person or organisation making a planning application, or whether the agent is a person or business appointed by the applicant to make the application on their behalf. The arboricultural statement/tree report is based only on site observations from the ground and any information that the planning authority has provided, without any detailed or decay investigation having been carried out. The report confirms that the trees located on this site are indeed a vital asset as well as being a feature to the local landscape and are high in amenity and wildlife value, and the planning authority is urged to carry out a re-inspection on all of the trees and to have the site professionally re-assessed before any decision is made.

**PUBLICITY**

8. Neighbours were notified and seven letters of objection have been received, with the comments summarised out below (in summary);

Objection comments

- Visual impact
- Non-specific grounds for felling the Oak tree (T4)
- Trees are a vital asset to local landscape and are of high amenity and wildlife value.
- TPO was granted to safeguard the trees and not set a precedent
- Why are the works proposed – is this in relation to further development
- The trees need to be independently surveyed
- Impact on Wildlife
- Who is the Applicant

**PLANNING POLICY**

9. 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 Stockton on Tees Borough Council Local Plan 2019.
10. Section 143 of the Localism Act came into force on the 15 January 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 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.

**National Planning Policy Framework**

The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic social and environmental objectives. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

### **Local Planning Policy**

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

#### Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
  - d) Enhancing woodlands and supporting the increase of tree cover where appropriate.

#### Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- b. Landscape character of the area, including the contribution made by existing trees and landscaping;

#### Natural, Built and Historic Environment Policy 5 (ENV) - Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

### **MATERIAL PLANNING CONSIDERATIONS**

11. The main material considerations in this application are whether the works proposed to the trees are reasonable. The application was submitted with a supporting document from Olivers Tree Services who reviewed the current condition of the trees within this tree group and provided recommendations to make the trees safe mainly due to branch loss and visible defects due to historical storm damage.
12. The Councils Tree and Woodland Officer has reviewed the proposed works and his professional opinion on behalf of the council is detailed in Paragraph 7 of the report.
13. The works as proposed are considered reasonable other than the felling of T4 Oak where insufficient evidence has been supplied to justify the approval of these works, however it is recommended that this tree is surveyed regularly in the future for any declining symptoms that may be indicative towards a worsening condition of the tree. This has been discussed with agent who has removed the felling of this tree and now the proposed works to the Oak tree T4 is to remove deadwood (in line with that as recommended by the Councils Principal Tree and Woodland Officer).
14. Neighbours are concerned that these works are in relation to further developments however any building work on this land will be subject to a future application and considered at that time.

15. In terms of Ecology anyone carrying out work to a tree, even under an exception, should ensure they do not contravene laws protecting wildlife. A condition has been recommended to ensure the Applicant adheres to the relevant legislation in relation to wildlife and habitat.
16. In relation to the concerns over the applicant, anybody can apply to carry out works to trees and if the LPA grants consent it will be for the applicant to get any necessary permission (for access to the land, for example) from the owner, before carrying out the work.
17. Overall, based on the professional advice of the Principal Tree and Woodland Officer the proposed works are therefore recommended for conditional approval for the reasons specified above.

### **CONCLUSION**

It is recommended that the application be Approved with Conditions for the reasons specified above.

**Assistant Director of Inclusive Growth and Development**  
**Contact Officer Rachel Powell Telephone No 01642 527796**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Northern Parishes</b>
<b>Ward Councillor</b>	<b>Councillor John Gardner</b>
<b>Ward Councillor</b>	<b>Councillor Vanessa Sewell</b>

### **IMPLICATIONS**

**Financial Implications:** None

**Environmental Implications:** See 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**

Stockton on Tees Local Plan Adopted 2019  
Application File