



Forest Heath
District Council

DEV/FH/17/028

Development Control Committee Wednesday 2 August 2017

Planning Application DC/17/0938/TPO – 50 The Street, Gazeley

Date Registered:	22.05.2017	Expiry Date:	17.07.2017
		Ext of Time:	03.08.2017
Case Officer:	Karen Littlechild	Recommendation:	Split decision
Parish:	Gazeley	Ward:	Iceni
Proposal:	TPO002(2014) Tree Preservation Order - i) Fell - 2no Sycamore (G002 on plan, within group G2 of Order), 1no. Sycamore (T042 on plan, within group G4 of Order), 1no Horsechestnut (T008 on plan, within Group G1 of Order), 1no Tree of Heaven (T009 on plan, within Group G1 of Order) and 1no Ash (T041 on plan, within Group G2 of Order) and (ii) 1no Sycamore (T032 on plan, within Group G3 of Order) Remove the two lowest limbs on left side to balance crown (amended 18.07.2017 - T040 on plan, within group G2 of Order - removed from proposal)		
Site:	50 The Street, Gazeley, , CB8 8RB		
Applicant:	Mr Gilbey - Logan Home Ltd.		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

This application is referred to Development Control Committee at the request of the Ward Member. Gazeley Parish Council object to the proposal and the application is recommended for a SPLIT DECISION.

A site visit is due to take place on Monday 31 July 2017.

Proposal:

1. Permission is sought to (i) fell 2no Sycamore, 1no. Horse Chestnut, 1no Tree of Heaven and 1no. Ash. (ii) Removal of the two lowest limbs on the left side to balance the crown of 1no. Sycamore.
2. The application has been amended omitting Sycamore T040 as this tree is now to be retained.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application Form
 - Tree Plan
 - Schedule of Trees
 - Replacement Planting Scheme

Site Details:

4. The site is situated towards the centre of the village of Gazeley, close to the junction of Mill Road. The site is within the settlement boundary and outside any Conservation Area (the village of Gazeley not having a Conservation Area).
5. The trees to which this application relates are located to the south and south east of the site which has planning consent for four dwellings and are protected under TPO002(2014).

Planning History:

Reference	Proposal	Status	Decision Date
DC/14/0527/OUT	Outline Application - Erection of two dwellings and conversion of one dwelling (50 The Street) into two dwellings including access road, parking and garaging.	Application Granted	17.10.2014
DC/16/1145/FUL	Planning Application - (i) 4no dwellings and ancillary out buildings (following demolition of existing dwelling and out buildings) and (ii) improvements to existing vehicular access	Application Granted	09.02.2017

DCON(1)/16/1145	Discharge of conditions 3 - Materials (specific to plot 2), 8 -Details of footway , 11 - refuse / recycling, 12 - Surface water drainage and 17 -boundary treatment of DC/16/1145/FUL	Application Granted	03.05.2017
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Consultations:

Arboricultural Officer – comments summarised below

6. **G002 Sycamore**–objects to felling
*The structural form of the tree is reasonable and is as expected for a tree growing in previously relatively dense tree cover. No significant defects are apparent other than a co-dominant twin stem, with a tight compression fork exhibiting moderate included bark. The increased wind loading is not likely to be significant at this location.
The co-dominant stem of the eastern tree in this group can be adequately managed and mitigated with a cable and brace system.*
7. **T040 Sycamore** – Objects to felling
*The increased wind exposure is not likely to be significant, given predominant westerly wind. Risk of failure is relatively low, and again can be mitigated with cable and bracing.
Officer note: this tree has now been removed from the proposal*
8. **T042 Sycamore** – No objection to felling
A multi stem sycamore in very poor form. A conditioned replacement of 2 x heavy standard Quercus robur, planted within 2 metres would be required, as would a preservation order on the replacements.
9. **T008 Horse Chestnut & T009 Tree of Heaven** – No objection to felling
A crown reduction to retain both these trees remains a viable proposal to retain the trees in the short to medium term. However, on balance, neither trees are likely to be retained in the long term, given their current form and species characteristics, and while they could be retained, it may be desirable to allow their removal in order to secure better long term tree cover and amenity value. In this case conditioned replacements would need to be secured and protected with an additional preservation order. This would secure an improved long term amenity value. If removal is granted for these two trees, 3 replacement heavy standard beech trees should be conditioned, within 2 metres of the existing trees, and protected by a TPO.
10. **T041 Ash** – objects to felling
An ash with fairly poor form, fairly typical of species. However, the fused branch with included bark can also be considered as natural bracing. The tree is located on the eastern end, and wind exposure is not likely to be significant. A minor reduction of up to 1.5m to the south east "straggly" lateral would be acceptable.

11. **T032 Sycamore** – No objection to the removal if the two lowest limbs on left side to balance crown

Representations:

12. Parish – Object to the felling of any trees for reasons other than disease or safety. If it is found that felling is necessary then the Parish request replacement trees of a suitable species be planted.

Neighbours – 3 representations have been received raising the following objections:

13. Tigh Willow – These trees are an important contribution to the amenity of the local area providing an attractive backdrop to the property. The environment in this vicinity of the village has already changed substantially since this development was started. Previously this site offered a large haven for wildlife as the whole site was heavily wooded. It attracted many different species (birds, rabbits, bats, deer etc.). Whilst the development of such a site, being within the village boundary was inevitable, the further loss of such habitat for this wildlife could have an even more detrimental effect on the diversity of the wildlife population.
14. 40 The Street – Concerns raised regarding environmental and visual impact due to the amount of trees already removed and the amount proposed to be removed. Also questioned if these trees are being removed for potential additional housing.
15. 58 The Street – Concerns raised that a further application for an additional dwelling will be submitted if these trees are felled.

Officer Comment:

16. This site which has been cleared and the existing dwelling (No. 50 The Street) demolished ready for the construction of 4 dwellings approved under DC/16/1145/FUL, for which these trees were to be retained.

When the site was originally surveyed in May 2016 many of the trees were covered with dense ivy and the area underneath was largely inaccessible.

This application has been submitted following a recent assessment of the site now that the area has been cleared, in consideration of the long-term management and sustainability of the site.

The Arboricultural officer has raised no objection to the felling of T008 Horsechestnut, T009 Tree of Heaven and T42 Sycamore, subject to replacement trees being planted and protected by a Tree Preservation Order. No objection was also raised to the removal of the two lowest limbs of T032 Sycamore. However, objection has been raised to the felling of three of the trees; G002 & T040 Sycamores, recommending that these can be adequately managed and mitigated with a cable and brace system and T041 Ash, recommending a minor reduction of up to 1.5m to the south east "straggly" lateral.

Applicant's response to the Arboricultural Officers comments

- 17.T040 Sycamore - It is agreed that the unions at the base of T040 are not an immediate risk and should be of sufficient strength for the tree to be retained. However given the tight and included nature of the stem unions we will recommend that these are regularly inspected. We therefore request that this be removed from the application.
- 18 G002 Sycamore - The union at the base of this tree is particularly poor and may lead to an increased risk of failure as the tree continues to grow, exerting increased strain at the union. The base of the union can be seen to extend to ground level, with no fusion of the tissues above this point, between the two stems. It is often the case that poorly formed unions in trees can repair over time, in response to movement of tree parts by wind, which leads to the production of reaction wood at the location of peak stress. However, sufficient wood must exist at the union for this natural strengthening to occur. Given the depth of the union and the extent of included bark, there is not sufficient wood within the union for such strengthening to occur. This tree will therefore remain at risk of increased failure as it continues to grow, irrespective of the proposed bracing. Bracing of the tree for this purpose is not recommended, as support braces are designed to provide additional support in trees as an aid while natural strengthening can occur or in cases where the value of the tree outweighs the cost of retention and management. It should not be used to mitigate an irreparable structure in a relatively young tree in which the risk will undoubtedly increase over time. It therefore remains our recommendation that the tree be removed.
- 19.T041 Ash - Whilst we appreciate that the tree is not at imminent risk of failure, but its morphology with the natural brace is such that the braced limb is likely to fail due to the weakness of the natural brace. I would therefore suggest that it is unwise to retain this tree as it is not a sustainable feature within the permitted development. Given this, it is still our opinion that it would be far better to remove the tree and replant new tree(s) to secure the future tree cover/screening on the site, rather than the 1.5m reduction of the limb as suggested.

Response from the Councils Arboricultural Officer

- 20.G002, my comments were that the structural form of the tree was reasonable, other than one identified defect. The point being the poor structural form cited in this application was not identified or quantified. I would still maintain this tree could be retained in the short to medium term. I would not disagree the tree is not suitable for long term retention, as most of the trees on this site are not suitable for long term retention. For clarity I would quantify long term retention as over 40 years. However, given the high amenity value of the trees, their contribution in the short to medium term is desirable. Overall, if a suitable replacement is secured, and also protected with a preservation order, this may be acceptable
- 21.T041, again the same principle of short to medium retention applies. While the defects in the tree mean that long term retention is unlikely, it is a balance between the short to medium term contribution this tree makes, against the loss of significant numbers of trees on the site and the lack of

tree cover in the short to medium term, in the time it takes for replacement trees to have a contribution. I would suggest this tree is retained if the eastern tree in G002 is removed and replaced, in an effort to reduce the immediate impact on the amenity of the area and while replacements are established. I note from the development plans that no permanent habitable structures appear to be within the target zone of this tree, which somewhat reduces the hazard associated with this tree failing.

Additional considerations:

22. A replacement planting scheme has been submitted showing the planting of 3no. Beech, 2no. small leaved Lime and 2no. Oak which are to be planted in the vicinity of the removed trees. The Council's Arboricultural Officer confirmed that the replacement planting scheme was acceptable.
23. Whilst the concerns of the Parish and neighbours are noted, a new application for housing in the future may or may not be submitted, but this is not material to the consideration of this application. If the works to or removal of the trees are properly justified for arboricultural reasons, then it would be very difficult to substantiate a reason for refusal.

Conclusion:

24. In conclusion, the felling of trees G002 Sycamore, T042 Sycamore, T008 Horsechestnut, T009 Tree of Heaven and the removal of the 2 lowest limbs of T032 Sycamore are considered acceptable with replacement trees being conditioned and protected by a Tree Preservation Order.
25. However, due to the loss of a significant number of trees within the site and the resulting lack of tree cover in the short to medium term the retention of tree T041 Ash, which is not at imminent risk of failure, will reduce the immediate impact on the amenity of the area while replacement trees are established. Therefore the felling of this tree is not considered acceptable at this time.

Recommendation:

26. SPLIT DECISION:

- A. It is recommended that consent be **GRANTED** for the felling of G002 Sycamore, T042 Sycamore, T008 Horsechestnut, T009 Tree of Heaven and the removal of the 2 lowest limbs on left side to balance crown of T032 Sycamore subject to the following conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)

Reason: To ensure the works are carried out in a satisfactory manner.

2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.

Reason: To enable the Local Planning Authority to review the situation in the event that the authorised works are not carried out within a reasonable period of time.

3. The 2no. Sycamore, 1no. Horsechestnut and 1no. Tree of Heaven, the removal of which is authorised by this consent, shall be replaced by 2no. English Oak (*Quercus robur*), 2no. Small-Leaved Lime and 3no. Beech (*Fagus sylvatica*) planted within 2 metres of the existing trees as shown on the Tree Planting Specification, Drawing No. 6072-D dated 17.07.2017 within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner), unless an alternative scheme is otherwise agreed and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the amenity of the area following the removal of the trees.

- B. It is recommended that consent be **REFUSED** for the felling of T041 Ash for the following reason:

The defects in the Ash tree (T041) mean that long term retention is unlikely, but the tree is not at imminent risk of failure. The retention of this tree can be achieved by reducing the south east lateral up to 1.5m and by supporting with a cable and brace system which would allow its safe retention. Due to the loss of a significant number of trees within the site and the resulting lack of tree cover in the short to medium term, the retention of the tree will reduce the immediate impact on the amenity of the area while replacement trees are established.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OPHAQCPDGK900>