

Gloucester City Council

Meeting:	Planning Committee	Date:	6 December 2016
Subject:	16/01209/TPO - Application to pollard a protected beech tree at 29 Tewkesbury Road		
Report Of:	Report of the Development Control Manager		
Wards Affected:	Kingsholm & Wotton, Longlevens.		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	1. Application form		
	2. Engineers Report		
	3. Petition in support of the application.		
	4. Site Plan.		
	5. Pictorial explanation of pollarding.		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider an application to pollard a protected beech tree at 29 Tewkesbury Road.

2.0 Recommendations

- 2.1 Planning Committee is asked to **RESOLVE** that

- (1) The application to pollard the protected beech tree at 29 Tewkesbury Road is **REFUSED**.

3.0 Background and Key Issues

- 3.1 An application to pollard a mature beech tree, protected by a Tree Preservation Order (TPO) at 29 Tewkesbury Road was received 28 September 2016 (refer to appendix 1). In addition to the application, a structural engineers report (appendix 2) and a petition (appendix 3) in support of the proposal were also received with the application.
- 3.2 The tree subject to this application is protected by Tree Preservation Order (TPO) no 223 (29 Tewkesbury Road), made 2005. The tree is listed as T2 on the schedule of the TPO. Refer to Appendix 4 for a site plan.

3.3 The reasoning for the works were stated on the application for as:

“Over the last twelve months we have been approached by a significant number of neighbours/residents expressing their concerns over the safety of the damaged section of our retaining boundary wall. In view of the number of people that have expressed their concerns we have raised a petition to ask those who have verbally expressed their concerns, our direct neighbours and surrounding residents to support our application to have the tree pollarded to enable us to repair the wall. All the petitioners reside between Kingsholm roundabout and Longford roundabout (less than a quarter of a mile from the tree and wall) and their only access to their properties is via this section of Tewkesbury Road. Consequently, they have little choice but to pass the wall and tree on numerous occasions during a week to conduct their daily business, irrespective of their mode of transport. We enclose the petition containing 119 signatures which we believe show the strength of their concern over the damaged section of the wall.

The wall was assessed by a structural engineer in February 2015, who recommended that the tree should be substantially pollarded to enable us to repair the damaged section of the wall and we enclose a copy of this report.

Over the last two years (since discovering the damage) the condition of the wall has deteriorated as is evident from the enclosed comparison pictures. This section of the wall has also developed a number of hairline cracks during this period which is not visible from the photographs”

3.4 An application to fell the same tree (ref 14/0132/TPO) was made in 2014 by the same applicants. The reasoning for the works were stated as:

“Pigeon droppings from end March to end October

Leaf pods during late April early May

Beech flowers during May which stick to windows, doors and vehicles

An abundance of beech nuts during September and October

Complaints from the public in respect of nuts on the public path/cycle path

Leaf fall from October to December

For some unknown reason, this year during the months of September and October the tree also became a haven for Jackdaws and Magpies with flocks of 20 to 30 roosting in the tree from early evening

We also have the damage to our retaining boundary wall, which has been caused by the roots of the beech tree.”

3.5 Planning committee refused this application to fell the tree and a subsequent appeal against the decision to The Planning Inspectorate (APP/TPO/U1620/4485) was also dismissed. with the inspector concluding:

“The tree makes a strong contribution to the appearance and setting of the adjacent section of the A38 Tewkesbury Road, there is some displacement of the wall but no evidence that this currently poses any safety hazard”

3.6 Pollarding is a pruning system in which the upper branches of a tree are removed, promoting a dense head of foliage and branches (refer to appendix 5). Pollarding usually begins on young trees and the process is repeated throughout the life of the tree. Pollarding was traditionally undertaken to produce a renewable supply of wood

for fuel and other uses. In modern times pollarding of trees in urban areas is an accepted form of tree management where space is limited.

- 3.7 Only certain species of trees are suited to pollarding. For example, lime and London Plane trees will pollard readily and in many places around Gloucester they are pollarded.
- 3.8 If started young, and repeated on a after a number of years, it is possible to pollard beech trees. However, this beech tree is mature and has never been pollarded. It is your tree officers' opinion that pollarding this tree will result in the tree dying. Quite simply the tree will go into shock and will be very unlikely to recover. The tree will lose all branches and leaves leaving it unable to photosynthesize, and leaving it reliant on stored energy. Some trees, such as the lime tree in the same garden close to the beech tree have the ability to recover from this severe pollarding operation; this cannot be said for the beech.
- 3.9 The applicant's reasoning for the works are based on their opinion that the wall is unsafe and that pollarding is required to enable the repair of the wall. The structural engineers report submitted with the application states "from my visual assessment of the wall at present time, I do not consider that collapse is likely to occur in the short term although as given above, the masonry only has finite strength and eventually it will succumb to the lateral forces involved". The Building Control Officer for the Gloucester area has also inspected the wall and comments "In my opinion the wall is not in imminent danger of collapse.....the wall would benefit from some maintenance / repair". It is your officers' opinion that pollarding the tree will kill it. It has been suggested that pollarding will halt the spread of the roots. This is incorrect, pollarding will perhaps slow root development but not halt it. I therefore see no reason why repairs to the wall cannot take place anytime the owner wishes to undertake them.
- 3.10 The wording of the petition in favour of the pollarding works is, in your officers opinion, misleading. Signatories are led to believe that the tree will survive pollarding. I do not believe it will and I would therefore question the validity of the petition in gauging public support for the pollarding works.
- 3.11 **Summary of representations:** The city council has received nine direct responses to public consultation regarding the proposal. Four are in favour of the works, four against, and one suggesting lesser pruning works. Of the responses in favour all believe erroneously that the tree will survive the pollarding works. One of the responses against the proposal comes from an individual who initially supported the proposal but has since undertaken some research and now feels the tree will not survive.

4.0 Asset Based Community Development (ABCD) Considerations

4.1 N/A

5.0 Alternative Options Considered.

- 5.1 Other than the application to remove the tree, no specific repair options appear to have been considered in conjunction with retaining the tree in its current shape and size.
- 5.2 The Building Control Officer for the Gloucester area suggests "If the wall is rebuilt a bed joint reinforcement product could be used between the horizontal mortar joints, Helifix bars could be used to stitch the cracked bed joints together. Alternatively you could consider removing the cracked section of wall and replace with wooden panel fencing.

6.0 Reasons for Recommendations

- 6.1 The proposed pollarding is very likely to kill the tree.
- 6.2 The effect of pollarding on the root system is difficult to predict. If, in the unlikely event that the tree survived the pollarding operation, root growth may slow down but it will not cease.
- 6.3 There is nothing to prevent repair works being undertaken to the wall now.
- 6.4 Being located on a busy main road into Gloucester the tree clearly provides significant amenity value; it could even be described as a local landmark tree. Its loss would be detrimental to the environment and character of the area.

7.0 Future Work and Conclusions

- 7.1 If Committee refuse the application, the applicant can appeal to the Planning Inspectorate. This process can take up to 4 months.

8.0 Financial Implications

- 8.1 There are no Financial Implications

9.0 Legal Implications

- 9.1 The Tree Preservation Order makes provision for applications to be made for consent to carry out work to or fell any of the trees protected by the Order.
- 9.2 If the Council decides to grant consent it may, where it considers appropriate, impose conditions.
- 9.3 If the Council decides to refuse consent it must give clear reason why it has done so.
- 9.4 The applicant has a right of appeal (to the planning Inspectorate) against any refusal of consent or imposition of conditions.
- 9.5 In considering applications the LPA are advised:

- (1) To 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 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.

(One Legal have been consulted in the preparation this report.)

10.0 Risk & Opportunity Management Implications

10.1 N/A

11.0 People Impact Assessment (PIA):

11.2 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

12.0 Other Corporate Implications

Community Safety

12.1

Sustainability

12.2

Staffing & Trade Union

12.3

Potential Media Interest – to be completed for SMT/Cabinet Briefing purposes. Remove prior to publication of report. Draft report to be sent pressoff@gloucestershire.gov.uk.

Background Documents: None