
REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 4
DATE OF MEETING:	21st SEPTEMBER 2010	CATEGORY: DELEGATED
REPORT FROM:	DIRECTOR OF COMMUNITY SERVICES	OPEN
MEMBERS' CONTACT POINT:	RICHARD RODGERS X5744	DOC:
SUBJECT:	TREE PRESERVATION ORDER 327	REF:
WARD AFFECTED:	NORTH WEST	TERMS OF REFERENCE: P01

1.0 Recommendations

- 1.1 That this tree preservation order be confirmed.

2.0 Purpose of Report

- 2.1 To consider confirmation of this tree preservation order (TPO).

3.0 Detail

- 3.1 This tree preservation order was made on 26 March 2010 in respect of a number of visually important trees in and around the village of Church Broughton. The Order contains 16 individual trees, 5 Groups of trees and a woodland.
- 3.2 The TPO was made at the request of Church Broughton Parish Council. Collectively the trees provide a high level of amenity in the village and contribute to its character.
- 3.3 Comments relating to the proposed Order have been received and are summarised as:

Tree T5

- Ash trees are defined as a single trunked tree that can grow up to 40m in height. This particular tree has six trunks splayed at various angles. This collection of trunks is only 5.5m away from Houghton House. This distance is less than the recommended minimal distance of 10 metres.
- Two of the six branches are in close proximity (within 1 m) to the roof of Houghton House
- Three of the six branches overhang the driveway of Houghton House and branches have broken off in the past damaging vehicles and risking injury to people.

- Three of the six trunks are smothered in ivy – an indication that the tree is in decline.
- This tree is a poor specimen and considered a liability. This is contradictory to the reasons for the TPO.
- A former tree on this site fell into the road causing considerable disruption. It would be safer for this tree to be felled or pollarded to avoid such a reoccurrence.
- Branches are close to a BT Telegraph Pole

Tree T10

- The tree is a semi mature ash adjacent to a public highway. In time it will grow to the height of other ash trees in the locality. All of these Ash trees have shed branches in high winds. Boughs have been knocked off this particular tree by passing vehicles. These have caused an obstruction to highway users and endanger pedestrians.
- The loss of branches over time has caused the tree to take on an unbalanced appearance.
- The trees root system will cause damage to the road as well as adjacent properties.
- The owner of the tree lives away and is not aware of the physical state of the tree. He may not wish to go through the cumbersome process of seeking permission to carry out works to the tree. This may hinder regular or essential maintenance from being carried out.
- A telegraph pole is sited within the canopy of the tree. This pole carries lines to nine local properties. These lines are subject to buffeting in windy weather and we have had our line severed twice. This situation is likely to happen again as the tree grows.
- Ash trees in the locality have been felled recently due to their potential danger. Using this standard the protection of this tree is inappropriate.
- If the council wants to protect ash trees they should instead look to protect two ash trees to the east which stand in open fields and do not constitute a nuisance or danger.

Woodland W1

- Object to the inclusion of this wood. As long-term owners of the site our aims are the long-term health and safety of these trees in the interests of visual amenity. A TPO here would counterproductive.

General

- One letter supported the preservation in general and expressed that a TPO should be: a complete protection of tree and permission for cutting and

pruning should be tightly controlled and restricted to the needs of the tree alone.

3.4 In answer to the comments made officers have the following response:

Tree T5

- Ash trees can and are found as multi stemmed trees. There is no defined 10-metre distance for Ash trees from houses. If management tree work is required to any tree it can occur by applying through the free tree form where free professional advice is offered. Pruning works (including work carried out by statutory undertakers eg BT) to dangerous parts of the tree would not require Local Authority permission. Ivy growth does not necessarily indicate tree decline and can easily be removed by cutting at the base of the tree. This tree is adjacent to the highway and has good visual amenity and this is why trees are protected. Any tree in a dead, dying or dangerous condition can be quickly removed from a TPO although there is a replacement tree clause to replace removed TPO tree

Tree T10

- This is a fine semi mature tree and has the potential to form a fine visual amenity. Ash typically grows to around 25 metres. The tree does not appear to be unbalanced and has the potential to develop further into a fine specimen. They do not damage roads typically and there are no houses on this side of the road. Advance permission is not required to prune a dangerous element of a protected tree. Again statutory undertakers (BT) can carry out essential maintenance works without permission. Trees are protected on individual merit. This tree has amenity value in a village setting.

Woodland W1

- A woodland can be managed within the TPO system and visual amenity can be retained. A TPO does not hinder this process of woodland management - a tree form has to be used and common sense will then be applied to the free tree form application. The owners of the trees here would benefit from free professional advice during the course of such an application.

4.0 Planning Assessment

4.1 It is expedient in the interests of amenity to make the trees the subject of a tree preservation order.

5.0 Conclusions

5.1 It is expedient in the interests of amenity to preserve.

6.0 Financial Implications

6.1 None.

7.0 Corporate Implications

- 7.1 Protecting visually important trees contributes towards the Corporate Plan theme of Sustainable Development.

8.0 Community Implications

- 8.1 Trees that are protected for their good visual amenity value enhance the environment and character of an area and therefore are of community benefit for existing and future residents helping to achieve the vision for the Vibrant Communities theme of the Sustainable Community Strategy.

9.0 Background Information

- 9.1 26 March 2010 Tree Preservation Order
- 9.2 6 April 2010 – Letter from 7 Tippers Lane; 19 April 2010 – Letter from Ivy Cottage, Boggy Lane; 21 April 2010 – Letter from Houghton House, Main Street; 26 April 2010 – Letter from The Croft, Boggy Lane; 27 April 2010 – Letter from Lynwood, Main Street.