

## **15/00014/TPO1**

### **1.0 PROPOSAL & SITE DESCRIPTION**

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2015/14.
- 1.2 The trees are located along a field boundary at the western side of the village. The trees lie within a hedge line on the edge of the highway verge opposite several dwellings that lie on the other side of the road, specifically Bendelow Cottage, Ambry Lodge and The Willows. A total of seven sycamore trees have been made the subject of a provisional TPO.

### **2.0 PLANNING & ENFORCEMENT HISTORY**

- 2.1 In November 2015 the Council received correspondence suggesting that a quote had been received to fell some trees on private land. The trees overhang several neighbouring properties on the opposite side of the road and it is the occupants of these properties who wish some work to be done. The owner wishes to retain the trees. It was considered that the trees make a contribution to local amenity so the Council has imposed a TPO to protect the trees.
- 2.2 Objections have been received regarding the making of the Order.

### **3.0 RELEVANT POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
National Planning Policy Framework - published 27 March 2012

### **4.0 CONSULTATIONS**

- 4.1 Letters have been received from the occupants of three properties and the comments are summarised as follows:
1. Concerns are due to a lack of on-going maintenance and close proximity to properties
  2. Been allowed to grow beyond reasonable limits of their location and are now encroaching on the surrounding areas to such an extent to have the potential for damage to persons and property
  3. This is compounded by a very exposed location, frequently subjected to high winds
  4. Routine to clear debris from trees from gutters, roof, garden, parking areas and highway
  5. In September a large branch fell from T4 and attached to telephone wires; had to be removed by a JCB
  6. Several residents have sought arboricultural advice
  7. We believe the trees are in a condition that is not conducive to their continual long term health and subsequent safety.

8. Rather than safeguarding the trees it is considered that the additional bureaucracy would further dissuade the owner from carrying out essential maintenance.
9. It is estimated the trees are well over 20m high and lie within 10m of one of the neighbouring houses
10. A survey has indicated that remedial work should be undertaken rather than felling
11. Recommended work includes crown lifting and thinning, all in accordance with BS 3998.
12. Several of the trees require removal as it would not be possible to prune them within the guidelines of BS 3998.
13. The requirement to fell some of the trees and maintain others is seen as a compromise; replacements could be planted.

## **5.0 OBSERVATIONS**

- 5.1 The seven trees form a row of mature specimens along the field boundary between the village road and the countryside beyond. The trees are prominent from long range views across the village and adjacent agricultural land and from the public right of way to the north. The trees are particularly important as a group of seven as they lie along the boundary of the heritage site of the medieval village of Howgrave and they visually frame the boundary of the existing village at this side of the settlement.
- 5.2 The trees are considered to be of visual merit and contribute to the character and appearance of the village.
- 5.3 A report has been undertaken by A Whitehead Associates Ltd on behalf of the Council, which considers that there is no evidence to suggest that the trees are not in good condition:

“There is no evidence in the winter crowns of the trees that any of the sycamores are incurring heavy wind damage or under stress. All of the trees are reasonably vertical. None of the trees have a swept habit and the level of broken branches within the crown is normal for trees of this size.

The requirement for crown lifting is only a duty when branches are so low that they are impeding vehicle access along the highway. The Highway Maintenance Manual sets a recommended lower branch height above the carriageway at 5m. The sycamores’ branches are above 5m; therefore any further crown raising is a matter of personal preference.

For the reasons above, I do not see a need to thin the trees’ crowns to enhance their storm worthiness.

It is not possible to guarantee that any large mature tree will not drop branches from time to time. It would not be possible to maintain trees in a built-up environment if there was a need to guarantee that no branch would ever fall onto a garden or building. The requirement is that the trees are reasonably maintained.”

- 5.4 There is no indication that the trees are in a dangerous condition and the Council could not require works to be undertaken. Any proposal to undertake remedial work will be considered on its merits.

## **6.0 CONCLUSION AND RECOMMENDATION**

- 6.1 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a reasonable degree of public benefit.

The Council's and the owner's arboricultural advisors agree that they are generally healthy specimens. Their retention would not preclude future proposals, which would be considered on their merits.

6.2 It is therefore recommended that TPO 2015/14 is confirmed.