

Provisional Tree Preservation Order No: 2/06 Stansted
Development Control, item 6

Committee: Development Control
Date: 11 October 2006
Title: Provisional Tree Preservation Order No. 2/06 Stansted
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Agenda Item

6

Item for decision

Summary

1. This item seeks Members consideration of provisional Tree Preservation Order 2/06. The Order was made to protect a Yew tree in the front garden of 27B, The Recreation Ground, Stansted. This followed receipt of a notification of intent from the owner of the property to fell the tree. The Yew tree is within the Stansted Village Conservation Area.
- 2.



Recommendations

3. Tree Preservation Order No.2/06 Stansted is confirmed without amendment.

Background Papers

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Tree Preservation Order No. 2/06

Impact

| | |
|----------------------------|---|
| Communication/Consultation | Owner of 27B Recreation Ground, Stansted Parish Council, & ECC |
| Community Safety | N/A |
| Equalities | N/A |
| Finance | None |
| Human Rights | N/A |
| Legal implications | None |
| Ward-specific impacts | Stansted |
| Workforce/Workplace | None |

Situation

Following receipt of a notification to fell the Yew tree the tree was inspected by the Council's Landscape Officer. The tree was found to be a mature specimen of some 9m in height with a well formed and broad crown. Some minor lateral branches have been lopped in the past, however, the general health and condition of the tree is good. Given the prominence of the tree in the street scene its amenity value is considered to be high and a Provisional Tree Preservation Order was served.

Objections to the Order have been received from the owner. The grounds of objection are summarised as follows:

- Yew trees have an association with burial grounds which the owner finds unsettling.
- Yew trees are poisonous and pose a danger to children and animals
- The tree is ugly, casts shade, and is in close proximity to the house and adjacent dwelling.
- The tree dominates a relatively small garden and restricts the owner's full use and enjoyment of the garden.
- A branch from the tree has previously broken out and fallen on a neighbour's car.

In response to the objections raised the officer comments are as follows:

The owner's particular concern over the association of Yew trees with burial grounds is considered to be a personal issue.

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All parts of the Yew tree are poisonous. However, there are no recorded accidental deaths in England having occurred as a result of ingesting parts of a Yew tree. The only recorded deaths from Yew poisoning have been suicide. The risk to animals is considered to be very small.

The tree is well formed and its habit typical of this species. Being evergreen the tree does cast shade throughout the year. However, the location of the tree to the southwest of No.27B does mean that shading occurs only towards sundown. The tree is some 8m distant at the closest point to the owner's dwelling, and some 6.5m to the neighbouring dwelling [No.31]. No evidence has been provided of the tree causing damage to these properties.

The position the tree occupies on the frontage boundary of the property does not significantly affect the use of the garden, the full extent of which is in excess of 400m²

No evidence was found at the time of inspection of the tree to indicate that the tree is in whole or part is in a dangerous condition or likely to suffer a major failure.

In conclusion, the tree is considered to be of amenity value, contributing to the fabric of the conservation area, and worthy of being protected.

Risk Analysis

| Risk | Likelihood | Impact | Mitigating actions |
|-------------|------------|------------|--------------------|
| None | N/A | N/A | N/A |