

Committee: Planning Committee

Agenda Item

Date: 11 January 2012

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**Title: Tree Preservation Order 07/11.
27 Brewery Lane Stansted**

Ben Smeeden, Landscape Officer ext 466

Item for decision

Summary

1. This item seeks Members' consideration in respect of the making of Tree Preservation Order 07/11 protecting two lime trees at 27 Brewery Lane Stansted.

Recommendations

2. Tree preservation order 07/11 is confirmed without amendment.

Financial Implications

NONE

Background Papers

3. The following papers were referred to by the author in the preparation of this report and are available for inspection.

TPO 07/11 and objection letter.

Impact

- 4.

Communication/Consultation	Owner of 27 Brewery Lane and Stansted Parish Council to be advised of Planning Committee decision.
Community Safety	none
Equalities	none
Health and Safety	none
Human Rights/Legal Implications	none
Sustainability	none
Ward-specific impacts	none

Workforce/Workplace	none
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Situation

5. A Tree Preservation Order (TPO) was made on 12 October 2011 protecting two mature lime trees situated on the road frontage of 27, Brewery Lane, Stansted [Appendix 1: Location Map].
6. The owner of 27 Brewery Lane has objected to the making of the TPO. His grounds of objection are as follows; “the trees were in no danger from me and that, anyway, these are not the sort of trees on private land and a private road which provide sufficient amenity value. There was no need for UDC to proceed in the way it did against me, and no need for them to be protected. There is no need for UDC to mire itself, and my family, in this regulatory mechanism.”
7. Government advice is that TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public. Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore be normally visible from a public place, such as a road or footpath, although exceptionally, the inclusion of other trees may be justified.
8. Brewery Lane is a private road, however, both the lime trees are clearly visible in views taken from the public highway at the junction of High Lane with Brewery Lane [Appendix 2: Photograph].
9. Both Limes are mature specimens of some 13m in height and in good general health. Their size and form contribute to the quality and character of the surrounding area.
10. The lime trees were previously protected under an Essex County Council TPO which has been revoked in accordance with County Council policy to withdraw from the administration of TPOs. As part of an ongoing project UDC is resurveying all trees previously covered by ECC orders. It is considered expedient to make these trees subject to a UDC TPO to maintain their protection in the interests of amenity.
11. The making and serving of the UDC TPO was carried out in accordance with the TPO regulations.

Risk Analysis

12.

Risk	Likelihood	Impact	Mitigating actions
1. If the TPO is not confirmed then the trees could be felled.	2	3. The loss of the trees would harm the established character of the area.	Based on Committee judgement on value of trees.
2. A TPO does make provision for the payment by the LPA of compensation for any loss or damage caused or incurred as a direct result of a refusal of consent under a TPO, or conditions applied to a grant of consent.	1. The likelihood of loss or damage directly resulting from a refusal of consent, or conditions applied to an approval, is not considered to be high. Necessary works to protected trees which are dead, dying, or dangerous, do not require the consent of the LPA.	3-4. The impact could be loss of life, significant injury, and/or destruction of property. Compensation under a TPO is unlimited.	Refusal of consent, or conditions applied to a grant of consent, must take into account any potential risks directly associated with such decisions.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.

Appendix 1: Location Map



**UTTLESFORD DISTRICT COUNCIL
TREE PRESERVATION ORDER**

**No. 07/11 - 27 Brewery Lane
Stansted**

M. [Signature]



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DATE:12/10/2011

MAP REFERENCE: TL5125SW

SCALE:1:1250

Appendix 2. Photograph of the two lime trees viewed from public vantage point in High Lane.

