Committee: Planning Agenda Item

Date: 8 February 2012

Title: Tree Preservation Order 07/11.

27 Brewery Lane Stansted

### **Summary**

 This item seeks the Committee's consideration of an objection received in respect of the making of Tree Preservation Order 07/11 protecting two lime trees at 27 Brewery Lane, Stansted. This item was previously considered at the Committee meeting of the 11<sup>th</sup> January 2012 where a decision was deferred to allow the Committee to visit the site.

#### 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 from the author of the report.

TPO 07/11 and objection letter.

TEMPO survey sheets.

Copy of the revoked ECC TPO 9/53.

#### **Impact**

4.

Communication/Consultation	Owner of 27 Brewery Lane and Stansted PC to be advised of Planning Committee decision.
Community Safety	none
Equalities	none
Health and Safety	none
Human Rights/Legal Implications	none

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Sustainability	none
Ward-specific impacts	none
Workforce/Workplace	none

#### Situation

- 5. A Tree Preservation Order (TPO) was made on 12<sup>th</sup> 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". The owner has raised concern over branches being shed and the general safety of the trees, stating that "the trees appear to have a level of rot in them and each has considerable scarring, which has not properly healed". Also, the owner has raised issue over why these trees have been singled out for protection stating "There are, as you may be aware lime trees on High Lane itself which are not subject to a TPO, which have just been subject of some excellent work, and a fine clean-up operation, involving the removal of all the suckers which this type of tree generates. I still see no reason why I have been singled out for a TPO particularly in the circumstances which you know there to be."
- 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. The trees were assessed using the Tree Evaluation Method for Tree Preservation Orders [TEMPO] which is widely used by Local Planning Authorities. Both trees scored sufficient points under this assessment to definitely merit a TPO [Appendix 3: TEMPO survey data sheets & decision guide]. The assessment of the trees being in 'good' condition is based on them being generally free of defects, showing good health and likely to reach normal longevity and size for the species. There is some limited branch tip die back but this is not considered to indicant obvious decline in the trees' health. There

- are no extensive wounds or areas of advanced decay which have been detected. Some dead wood has on occasions been shed by these trees but this has been minor in nature, consisting of twigs and small branch tips.
- 10. Under the provisions of a TPO application, consent is not required for carrying out work on trees which are dead or dying or have become dangerous. Government advice is that this exemption allows for the removal of dead wood from a tree or the removal of dangerous branches from an otherwise sound tree.
- 11. The lime trees were previously protected under Essex County Council TPO 9/53 [Appendix 4]. This ECC TPO was revoked in accordance with County Council policy to withdraw from the administration of TPOs. It is considered expedient to make these trees subject to a UDC TPO to maintain their protection in the interests of amenity.
- 12. The making and serving of the UDC TPO was carried out in accordance with the TPO regulations. Other trees in Stansted previously protected under ECC TPOs have been surveyed and new UDC TPOs are being made as appropriate. The Lime trees in High Lane which have recently been subject to the removal of epicormic basal growth, crown lifting over the carriageway and selective pruning away from the adjacent house, in order to abate encroachment, have not been considered for protection as they are growing on ECC land and are therefore the responsibility of the County Council. Government advice is that it would be very rarely appropriate for one local authority to make a TPO for trees on land owned by another local authority.

#### Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions	
1. There are no risks associated with confirming, or not confirming, a TPO.	sks associated vith confirming, r not confirming,		None.	
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	nake provision or the payment by the LPA of compensation for any loss or lamage caused or incurred as a lirect result of a		Refusal of consent, or conditions applied to a grant of consent, must take into account any potential risks directly associated with such decisions.	

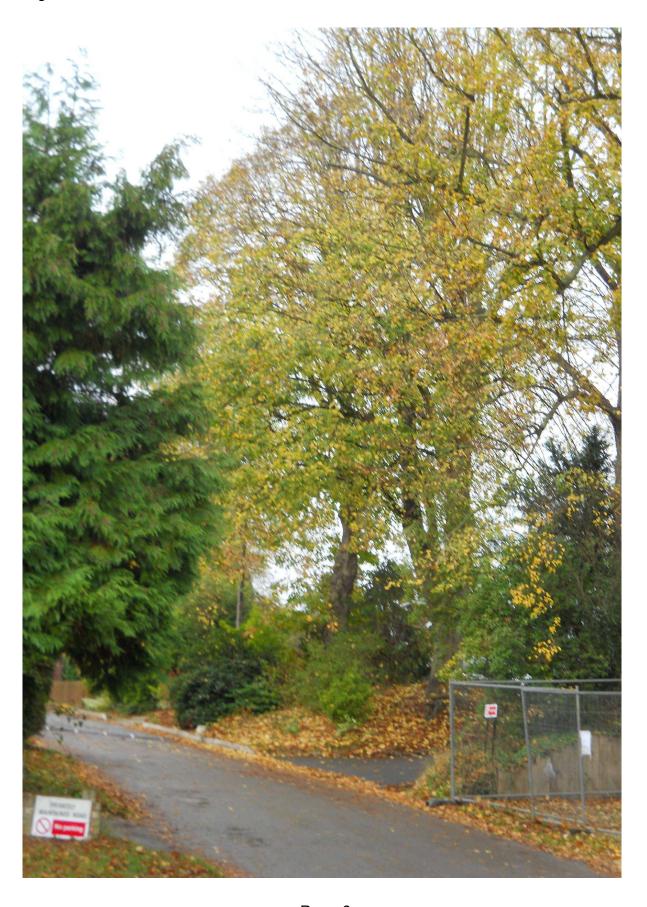
under a TPO, or conditions applied to a grant of consent.	applied to an approval, is not considered to be high.	is unlimited.	
	Necessary works to protected trees which are dead, dying, or dangerous, do not require the consent of the LPA.		

<sup>1 =</sup> 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



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



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Appendix 3: TEMPO survey data & decision guide in respect the two lime trees [T1 & T2].

## TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

Date:	1.10.11	Surveyo	or: BPS		
Tree deta					
TPO Ref.			Tree/Group No:	Ti Species	: LIME
Owner (if	known): MR.J	. RICH			
Location:	27 Brews	-01/1011			
	- Dicelle	= PY CADO	<u>=, 3 mo.</u>	<u>xen</u>	· ,
Part 1: Ame	enity assessment				,
a) Conditio	n & suitability for TP0	<b>)</b> :			
	idance Note for definiti				<i>,</i> :
		· · ·			<u> </u>
S) Good	Highly suita	able	Score & Notes		
3) Fair 1) Poor	Suitable Unlikely to	be suitable	5		
0) Dead	Unsuitable	oc sunabic			•
0) Dying/dang		L	<del></del>	я * ·*	· · · · · · · · · · · · · · · · · · ·
* Relates to ex	isting condition and is intend	led to apply to sever	e irremediable effects	s only.	
b) Remainii	ng longevity (in years	s) & suitability f	or TPO:		
,	g migamy (my your				
5) 100+	Highly suitable		Score & Notes	•	
4) 40-100	Very suitable		4		
2) <b>20-40</b> 1) 10-20	Suitable Just suitable	i i	ı		•
0) <10*	Unsuitable	· · L			· · · · · · · · · · · · · · · · · · ·
		ar future nuisance. ii	ncluding those clearly	outarowina their co	ntext, or which are significantly
negating the po	otential of other trees of bette	er quality.	<u> </u>	calgrowing andir co.	mont, or winer are significantly
Consider realis	public visibility & sui tic potential for future visibili	tability for TPO	): 		
Consider realis	tic potential for future visioni	ty with changed land	ı use.		
5) Very large	trees with some visibility,	or prominent large	e trees. Hid	ghly suitable	
4) Large trees	s, or medium trees clearly	visible to the pub	olic Su	iitable	Score & Notes
3) Medium tre	es, or large trees with lin	nited view only	Ju	st suitable	14
2) Young, sm	all, or medium/large trees risible to the public, regar	s visible only with a		rely suitable	l i
ij nees not v	name to the public, regar	U1033 U1 3128	Pr	obably unsuitable	
d) Other fac	ctors				
	re accrued 7 or more points	(with no zero score)	to qualify		
E) D===!==!				0	_
Principal co     Tree group	omponents of arboricultures, or members of groups	al features, or vet	eran trees	Score & Note	S
	identifiable historic, comr			<b>\</b>	
2) Trees of pa	irticularly good form, espe	ecially if rare or un	nusual		
1) Trees with	none of the above addition	onal redeeming fea	atures	L	
Dart 2: Eve	adianov accocomon				
Trees must have	ediency assessment re accrued 9 or more points	to qualify.		<del></del>	· · · · · · · · · · · · · · · · · · ·
			Score & Not	es	
5) Immediate	threat to tree		1		
	le threat to tree		1		• •
2) Perceived 1					
1) Precedution	ary Only.				
Part 3: Deci	sion guide				
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Any 0	Do not apply TPO	•	Add Score	es for Total:	Decision:
1-6	TPO indefensible			_	_
7-10	Does not merit TP	0	$\downarrow$ $l$	5	SCAVE TPO
11-14	TPO defensible				
(15+	Definitely merits TI	PO			
					X 11/1
					+ $M/I$
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# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO): SURVEY DATA SHEET & DECISION GUIDE

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Date:	- 10 10	<u>&gt; 11</u>	Surv	eyor:	<u> </u>	<b>S</b> ,				
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	dition & suit Guidance N								. :	
5) Good	ノ		suitable	Sco	re & Note	s	·· ·· · · · · · · · · · · · · · · · ·		· :	
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1) Poor			ly to be suitable	1 2	)			•		į
0) Dead		Unsuit			•					ŀ
U) Dying	/dangerous* to existing con-	Unsuiti Dition and is it	able	L	nodista	note: 1			<u> </u>	
, icraies	GAISHING CON	anon and is ii	ntended to apply to se	vere irre	ne <b>alable eff</b>	ects only.			· w·	
b) Rem	aining long	evity (in y	ears) & suitabilit							
5) 100+ 4) 40-10		aly suitable		Scor	re & Note	<b>S</b> .				
2) 20-40		r suitable able		14	-					i
1) 10-20		abie suitable		17	4					I
0) <10*		suitable uitable			·					
			or near future nuisanc	e includ	an those etc	arly outer-	ing the	tout .	which -	`aa=#
negatina	the potential of	other trees of	better quality	เฉนติแ	.у июзе <u>сіе</u>	guy outgrow	my meir con	α€Χ₹, ŌF	wnıcn are signifi	cantly
C) Helal Consider	uve public v realistic potenti	risibility & al for future v	suitability for Ti isibility with changed i	PO: land use.						
5) Very I	arge trees witl	n some visib	pility, or prominent la	arge tree	<b>!S.</b>	Highly suit	able	Г	Coore C M	
4) Laige	trees, or med	ium trees cl	early visible to the r	public		Suitable		-	Score & Not	es
<ol><li>3) Mediu</li></ol>	m trees, or lai	rge trees wit	th limited view only		<u>.</u>	Just suitab	-			- 1
∠) Young	, small, or me	dium/large t	trees visible only wi	th difficu	ity	Barely suit		1	4	- 1
ı) irees	HOLVISIBLE to 1	me public, r	egardless of size			Probably u	ınsuitable		•	
	r factors	17 or ma	vinte fuith	3rol 4-	-#£ ·			L		
			oints (with no zero sco						<del></del>	
5) Princip 4) Tree	pal componen	ts of arboric	ultural features, or ups important for th	veteran t	trees	Score	e & Notes	<b>;</b>		1
3) Trees	with identifiah	le historic o	ommemorative or t	habit imn	ortance	1				.
2) Trees	of particularly	good form,	especially if rare or	r unusual	Į.	1 '	:			l
(1) Trees	with none of t	he above ac	ditional redeeming	features	•	L				
Part 2:	Expediency	assessmo	ent							
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Part 3: Decision guide										
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Appendix 4: Extract of ECC TPO 9/53 map and 1<sup>st</sup> Schedule. The group of trees at G6 included the two Lime trees on the frontage of 27 Brewery Lane.



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a o			T	REES SP			,
yo. on					led in bl		
G No. on Map.		Description.					Situation.
T.1	٠	Copper Beech		• •			On left of entrance drive to Old Bentfield Hall.
T.2		Copper Beech					In front garden of vicarage in Chapel Hill.
T.3		Sycamore					At entrance to Messrs. Robinson's Timber Store.
T.4		Red Chestnut	••		• •		In front garden of house south of "The Old
						70.	House,"
			(wit)		ours or ken blac		n the map)
10. on							•
Мар i G.1		Croun of 5 chostn	Descripti	on.			Situation,
1	••	Group of 5 chestn	u. ,	••	••	••	Group fronting trunk road on south side of entrance to sports ground and flanking tennis court.
.2	• •	Group of 12 lime	••	••	• •	• •	On north side and at eastern end of public footpath from Bentfield End to trunk road.
.3	• •	Group of 3 chestn		••	••	••	On north side and at the western end of the public footpath from Bentfield End to trunk road.
-3)	••	Group consisting beam				•	Adjoining No. 7, Bentfield Gardens.
. /.	$\widetilde{f}$	Group consisting 1 hornbeam, 6 c	chestnut,	15 fir and	l 2 beec	h	Belt extending along the south side of the trunk road to High Lane.
G.# G.7	••	Group consisting thorn, 2 ash, 1 Croup consisting	oak and 4	fir			Trees flanking north side of Brewery Lane.
3.8	••	Group consisting					Flanking south side of Brewery Lane and west side of High Lane.
G.9	••	2 elm and 1 lim Group consisting	e	-	•	• .	North-east corner of O.S. 354, (Essex XXIII. 15, 1921 Ed.) East side of O.S. 354, (Essex XXIII. 15.
G.10		Group of 1 silver			N.		1921 Ed.) Stansted Bowling Club Green.
G.11		Group consisting of 7 hr				k and	Fronting the road boundary of the garden of "Frondeg."
G.12		Group consisting of			•		Along nor hern boundary of garden of "Fron- deg."
G-14 G-14		Group consisting of a sycamore and	of 10 oak, :				On land adjacent to gas-holder.  Roadside strip in grounds of "Blythwood," fronting trunk road.
•	. ••	Group of 3 lime	••	• •			Fronting east side of trunk road north of "Old Bell" public house.
in tanks		Group of 6 elm	••	••	••	••	Southern boundary of O.S. 7, (Essex XXIII. 15, 1921 Ed.)
	,	Group consisting 2 lime and 3 be	ech				In O.S. 34, flanking west side of minor road, (Essex XXXII. 2. 1921 Ed.)
•	1	Group consisting	of It red	chestnut	,		In triangular shaped piece of land between trunk road and minor road.
	÷		(wit)	hin a con	Woodl.		ne on map)
•			•		unuous	Olack II.	
		Chestnut, sycamo	<i>ription.</i> re, elm, so	ome conif	ers		Situation.  Belt of trees extending northwards from Bentfield End.
4	• •	Mixed hard and so	oft woods	••	••		Belt of trees on east, south and west sides of Croft House garden.
W.3	••	Predominantly sy	camore	••	••	• •	Belt of trees on west and south boundaries of O.S. 16 adjoining the trunk road, (Essex
W.4	••	Oak, sycamore an	d corsicar	ı pine		•••	XXXII. 3. 1921 Ed.) Belt of trees on east and south sides of O.S. 18
W s		Timelask and his	a.h	,			adjoining the trunk road, (Essex XXXII. 3 and 4, 1921 Ed.)
W.5 W.6	••	Lime, ash and bird Predominantly sys		. ••	••	••	On eastern boundary of trunk road in O.S. 33, (Essex XXXII. 2. 1921 Ed.) Woodland forming O.S. 29 adjacent to Roch-
. 17.0		recommandy sy	camore	••	••	••	ford's nurseries, visible from trunk road, (Essex XXXII. 3, 1921 Ed.)
					3		CANNER ALICABETA OF THE ANTICE