

Committee: Planning

Agenda Item

Date: 8th February 2011

7

**Title: Tree Preservation Order 06/11 Mont House
and 27 Brewery Lane, Stansted**

Summary

1. This item seeks the committee's consideration of an objection received in respect of the making of Tree Preservation Order 06/11 protecting four lime trees at Mont House and 27 Brewery Lane Stansted. This item was previously considered at the Committee meeting of the 11th January 2012 a decision was deferred to allow the Committee to visit the site.

Recommendations

2. Tree Preservation Order 06/11 is confirmed without amendment

Financial Implications

3. *None*

Background Papers

4. 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 06/11 and objection letter.
Hayden's arboricultural consultants' report.
TEMPO survey sheets.
Copy of revoked ECC TPO 9/53.

Impact

- 5.

Communication/Consultation	Owner of 27, Brewery Lane. and owners of Mont House, High Lane Stansted, and Parish Council to be advised of Planning Committee decision.
Community Safety	none
Equalities	none
Health and Safety	

Human Rights/Legal Implications	none
Sustainability	none
Ward-specific impacts	none
Workforce/Workplace	none

Situation

6. A Tree Preservation Order (TPO 06/11) was made on 10th October 2011 protecting four lime trees at Mont House, High Lane, and on the boundary with 27 Brewery Lane, Stansted [Appendix 1: Location Map].
7. The owner of 27, Brewery Lane has objected to the making of the TPO on two of the lime trees: T4 on the boundary of his property and the adjacent lime tree T3. His grounds of objection are summarised as follows: “The trees are now so damaged, and - owing to the work which was allowed on them when the new drive was constructed - have lost so much of their roots, that I am concerned that they may be dangerous to my home”. The trees “are in poor condition, and shedding so much deadwood and honey dew, that there is little hope for them in the long term...I do not want them coming down on my house. The trees “appear to have a level of rot in them and each has considerable scarring, which has not properly healed”
8. The lime trees (T3 and T4) are mature specimens of approximately 17-18m in height and situated on the frontage with Brewery Lane. An access drive running between these two trees has been constructed off Brewery Lane onto the Mont House site. Level changes to accommodate the drive have caused root loss to both trees. Timber sleeper retaining walls have been constructed to stabilise the ground either side of the drive.
9. The trees have been inspected by Hayden’s arboricultural consultants on behalf of the owners of Mont house. Their report [Appendix 2: Report extract] recommends that the lime T4 is crown lifted to 4m and the tree monitored on an annual basis for any root associated problems, i.e. dieback in the crown; and the lime T3 has all ivy removed and the tree crown lifted to 4m, together with a 50% reduction of a branch extending over the access drive and Brewery Lane, and that the tree is monitored on an annual basis for any root associated problems. The lime tree [Hayden’s ref: T1: TPO ref:T4] on the boundary with 27 Brewery Lane was found to have a crown which appeared healthy with good leaf colour and only minor deadwood in the upper canopy. The lime tree [Hayden’s ref: T2: TPO ref: T3] east of the new access was found to have dense ivy growth extending into the upper canopy. Dieback was noticeable at the branch tips and there are a number of cavities and minor deadwood throughout the crown.
10. The trees have been inspected by the Council’s Landscape Officer and the recommendations as set out by Hayden are considered appropriate. Whilst

there has been root loss associated with the construction of the drive, it is not considered that the trees have been rendered unstable. There is some limited dieback in the upper crown branch tips which should be monitored.

11. Under the provisions of a TPO, application for 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.
12. Honeydew drip is commonly associated with lime trees. The drip is sugar water excreted by aphids. In the summer months aphid infestations can cause the drip to be a nuisance, particularly if the drip falls on cars. However, this is considered to be a minor seasonal inconvenience and there is no evidence that the drip is detrimental to health.
13. Brewery Lane is a private road, however, both tree are clearly visible in views taken from the public highway at the junction with High Lane [Appendix 3: Photograph]. 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 make the making of a TPO defensible [Appendix 4]. The assessment of the trees being in 'fair' condition is based on them having some defects which are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that the trees will reach their full age and size potential. However, they can be retained for the time being.
14. All four lime trees included in this order were previously protected under by an Essex County Council TPO 9/53 [Appendix 5] which 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. 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

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
1. There are no risks associated with confirming, or not confirming, a TPO.	1.	1.	None.
2. A TPO does make provision	1. The likelihood of	3-4. The impact could	Refusal of consent, or conditions applied to a

<p>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 the TPO, or conditions applied to a grant of consent.</p>	<p>loss or damage directly resulting from a refusal of consent, or conditions applied to an approval is not considered high.</p> <p>Necessary works to protected trees which are dead, dying, or dangerous do not require the consent of the LPA.</p>	<p>be loss of life, significant injury, and/or destruction of property.</p> <p>Compensation under a TPO is unlimited.</p>	<p>grant of consent, must take into account any potential risks associated with such decisions.</p>
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- 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



**UTLESFORD DISTRICT COUNCIL
TREE PRESERVATION ORDER**

**No. 06/11 - Mont House
Stansted**



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DATE:10/10/2011

MAP REFERENCE: TL5125SW

SCALE:1:1250

Appendix 2: Extract from Hayden's Arboricultural Consultants' report [survey date 22/08/2011].


Tree No.	Species	DBH Min Dist	Height Base of Crown	Age Life Expect.	Crown Spread Water Demand Ground Cover	Visual	Problems / Comments	BS Cdf	Work Required	Priority TS
T001	Lime Sp	610	17	M	N8, E6, S7, W7	High	A mature specimen located adjacent to the site entrance. The tree emerges from an area of raised ground. There has been a significant level change to the eastern aspect where the ground has been excavated to a depth of approximately 1.5 metres to allow for an access road to be installed. The retaining wall is made of sleepers and there is evidence of deformation of one or two of the sleepers. There is evidence of significant root loss with visible roots which have been severed protruding above the retaining wall. Crown appears healthy with good leaf colour with only minor deadwood in the upper canopy.	B2	Crown lift to 4m. Monitor on an annual basis for any root associated problems i.e. dieback in the crown.	3
T002	Lime Sp.	850	18	M	N7, E7, S8, W6	High	Mature specimen located adjacent to the site entrance on top of a small embankment. The DBH has been estimated because of an abundance of epicormic growth at breast height. There has been a significant level change to the eastern aspect where the ground has been excavated to a depth of approximately 1.5 metres to allow for an access road to be installed. The retaining wall is made of sleepers and there is evidence of deformation of one or two of the sleepers. There is evidence of significant root loss with visible roots which have been severed protruding above the retaining wall. There is dense ivy growth extending into the upper canopy. There is dieback noticeable at the tips. There are a number of cavities and minor deadwood throughout the crown.	B2	Remove all ivy. Crown lift to 4m. The branch extending over the entrance and highway heading in a south westerly direction should be reduced by 50%. Monitor on an annual basis for any root associated problems i.e. dieback in the crown.	3

Appendix 3: Photo of lime trees T4 and T3



Appendix 4: TEMPO survey data & decision guide in respect of the two lime trees [T3 and T4].

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

Date: 6.10.11 [RESURVEY] Surveyor: 	
Tree details	
TPO Ref:	Tree/Group No: T3
Owner (if known):	Species: LIME.
Location: MONT HO. HIGH LANE STANSTED.	

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes	MINOR DEADWOOD IN UPPER CROWN. ROOT SEVERANCE ON WEST SIDE ASSOCIATED WITH INSTALLATION OF NEW ACCESS ROAD.
3	

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes	
4	

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Tree groups, or members of groups important for their cohesion |
| 3) Trees with identifiable historic, commemorative or habit importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features |

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.


- | |
|-------------------------------|
| 5) Immediate threat to tree |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only. |

Score & Notes
1

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:
13

Decision:
MATRE TPO 

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

Date: 6-10-11 [RESURVEY] Surveyor: JS		
Tree details		
TPO Ref:	Tree/Group No:	Species:
Owner (if known):	T4	LIME
Location: MONT HO. HIGH LANE STANFORD		

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions.

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

* Relates to existing condition and is intended to apply to severe irremediable effects only.

Score & Notes	MINOR DEADWOOD IN UPPER CROWN. ROOT SEVERANCE ON EAST SIDE ASSOCIATED WITH INSTALLATION OF NEW ACCESS ROAD.
3	

b) Remaining longevity (in years) & suitability for TPO:

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

Score & Notes	
4	

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use.

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees. | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Just suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes	
4	

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | |
|--|
| 5) Principal components of arboricultural features, or veteran trees |
| 4) Tree groups, or members of groups important for their cohesion |
| 3) Trees with identifiable historic, commemorative or habit importance |
| 2) Trees of particularly good form, especially if rare or unusual |
| 1) Trees with none of the above additional redeeming features |

Score & Notes	
1	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- | |
|-------------------------------|
| 5) Immediate threat to tree |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree |
| 1) Precautionary only. |

Score & Notes	
1	

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:	
13	

Decision:	
MAKE TPO	

JS

Appendix 5: Extract of ECC TPO 9/53 map and 1st Schedule. The group of trees at G6 included the two Lime trees [T3 and T4] either side of the new access off Brewery Lane to the Mont House site.



No. on
and Publ
Map. and
contrave

Confirmed 6/8/54

FIRST SCHEDULE.

TREES SPECIFIED INDIVIDUALLY.
(encircled in black on map)

No. on Map.	Description.	Situation.
T.1	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 House."

GROUPS OF TREES.
(within a broken black line on the map)

No. on Map.	Description.	Situation.
G.1	Group of 5 chestnut	Group fronting trunk road on south side of entrance to sports ground and flanking tennis court.
G.2	Group of 12 lime	On north side and at eastern end of public footpath from Bentfield End to trunk road.
G.3	Group of 3 chestnut	On north side and at the western end of the public footpath from Bentfield End to trunk road.
G.4	Group consisting of 5 oak, 5 lime and 1 hornbeam	Adjoining No. 7, Bentfield Gardens.
G.5	Group consisting of 7 oak, 3 poplar, 4 sycamore, 1 hornbeam, 6 chestnut, 15 fir and 2 beech	Belt extending along the south side of the trunk road to High Lane.
G.6	Group consisting of 15 lime, 1 sycamore, 4 hawthorn, 2 ash, 1 oak and 4 fir	Trees flanking north side of Brewery Lane.
G.7	Group consisting of 10 chestnut and 15 lime	Flanking south side of Brewery Lane and west side of High Lane.
G.8	Group consisting of 1 oak, 6 sycamore, 1 poplar, 2 elm and 1 lime	North-east corner of O.S. 354, (Essex XXIII. 15. 1921 Ed.)
G.9	Group consisting of 2 chestnut and 1 sycamore	East side of O.S. 354, (Essex XXIII. 15. 1921 Ed.)
G.10	Group of 1 silver birch and 1 red chestnut	Stansted Bowling Club Green.
G.11	Group consisting of 3 sycamore, 2 lime, 3 oak and 7 fir	Fronting the road boundary of the garden of "Frondeg."
G.12	Group consisting of 24 lime, 1 ash and 11 sycamore	Along northern boundary of garden of "Frondeg."
G.13	Group consisting of 2 willow, 2 poplar and 2 birch	On land adjacent to gas-holder.
G.14	Group consisting of 10 oak, 2 holly, 12 lime, 1 beech, 1 sycamore and 9 fir	Roadside strip in grounds of "Blythwood," fronting trunk road.
G.15	Group of 3 lime	Fronting east side of trunk road north of "Old Bell" public house.
G.16	Group of 6 elm	Southern boundary of O.S. 7, (Essex XXIII. 15. 1921 Ed.)
G.17	Group consisting of 26 red chestnut, 1 elm, 1 fir, 2 lime and 3 beech	In O.S. 34, flanking west side of minor road, (Essex XXXII. 2. 1921 Ed.)
G.18	Group consisting of 17 red chestnut and 2 poplar	In triangular shaped piece of land between trunk road and minor road.

WOODLANDS.
(within a continuous black line on map)

No. on Map.	Description.	Situation.
W.1	Chestnut, sycamore, elm, some conifers	Belt of trees extending northwards from Bentfield End.
W.2	Mixed hard and soft woods	Belt of trees on east, south and west sides of Croft House garden.
W.3	Predominantly sycamore	Belt of trees on west and south boundaries of O.S. 16 adjoining the trunk road, (Essex XXXII. 3. 1921 Ed.)
W.4	Oak, sycamore and corsican pine	Belt of trees on east and south sides of O.S. 18 adjoining the trunk road, (Essex XXXII. 3 and 4. 1921 Ed.)
W.5	Lime, ash and birch	On eastern boundary of trunk road in O.S. 33, (Essex XXXII. 2. 1921 Ed.)
W.6	Predominantly sycamore	Woodland forming O.S. 29 adjacent to Rochford's nurseries, visible from trunk road, (Essex XXXII. 3. 1921 Ed.)