

**Committee: Planning**

**Agenda Item**

**Date: 17<sup>th</sup> October 2012**

**5**

**Title: Tree Preservation Order No. 4/12  
53 Landscape View, Saffron Walden**

**Author: Ben Smeeden  
Landscape Officer**

Item for decision

## **Summary**

1. This item seeks the Committee's consideration of an objection received in respect of the making of a Tree Preservation Order (TPO) on a walnut tree in the grounds of 53 Landscape View, Saffron Walden. The owner/objector is UDC Cllr. Andrew Ketteridge.

## **Recommendations**

2. **The Tree Preservation Order No. 4/12 is confirmed with an amendment to the order map.**

## **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 No. 4/12 and letter of objection to the making of the TPO.

## **Impact**

- 4.

Communication/Consultation	Objector/owner to be advised of decision
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

## Situation

5. In the interests of amenity a tree preservation order (TPO) was made on the 3<sup>rd</sup> September 2012 protecting a walnut tree in the grounds of 53 Landscape View, Saffron Walden. [appendix 1]

An objection to the making of the TPO has been received from the owner of the tree. The grounds of objection are summarised as follows:

- The tree is too big and the roots must be very significant.
  - There is a gas main adjacent to the tree.
  - The tree cuts out all sun to the lawn below it and prevents rainfall watering the garden
  - By its nature the tree is very brittle and twigs and small branches fall onto the lawn.
  - Pigeons roost in the tree and their droppings create a mess, limiting the full enjoyment of the garden, especially for my small children.
  - The tree is growing in my rear garden and is only really visible to my immediate neighbours.
  - My neighbours have cut down trees in their gardens in the past so why should I not be allowed to cut mine down?
6. The tree is a mature specimen of some 13m in height with a broad well formed crown. The general health of the tree is good with no significant defects. The tree is situated in the rear garden of 53 Landscape View and forms a backdrop to houses softening the built forms when viewed from the public highway [appendix 2]. The tree evaluation method for preservation orders (TEMPO) has been applied and under the scoring system the tree meets the requirements for protection [appendix 3].
  7. No evidence has been provided to suggest that the tree's roots have caused any damage. It is considered unlikely that the tree would disrupt any gas pipe in the vicinity.
  8. The tree does not shade a disproportionately large part of the rear garden which is some 360m<sup>2</sup> in area. The full enjoyment of the garden is not considered to be compromised by the presence of the tree. The affect of the tree on the condition of the surrounding lawn area is considered to be limited.
  9. It is accepted that the tree will shed minor branches and other detritus from time to time. Whilst this may be an inconvenience it is considered to be relatively minor.

10. It is acknowledged that pigeon droppings can be an inconvenience, but the risk of a person contracting a disease from contact with guano is extremely low. Droppings falling onto hard surfaces can be relatively easily washed off with hot soapy water, and on lawn areas dispersed by spaying with a garden hose.
11. The tree is clearly visible from the public highway and not just immediate neighbours. The visibility of the tree to the general public was a factor taken into account in the assessment of the tree's significance in the local environment.
12. TPOs are made to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public. When trees of significant amenity value come to the attention of the local authority a TPO will be made if it is considered expedient to do so.
13. The position of the beech tree on the TPO map has been inaccurately plotted. If the order is confirm it should be with an amended map showing the correct position of the tree.

## Risk Analysis

14

Risk	Likelihood	Impact	Mitigating actions
1	1	1	none

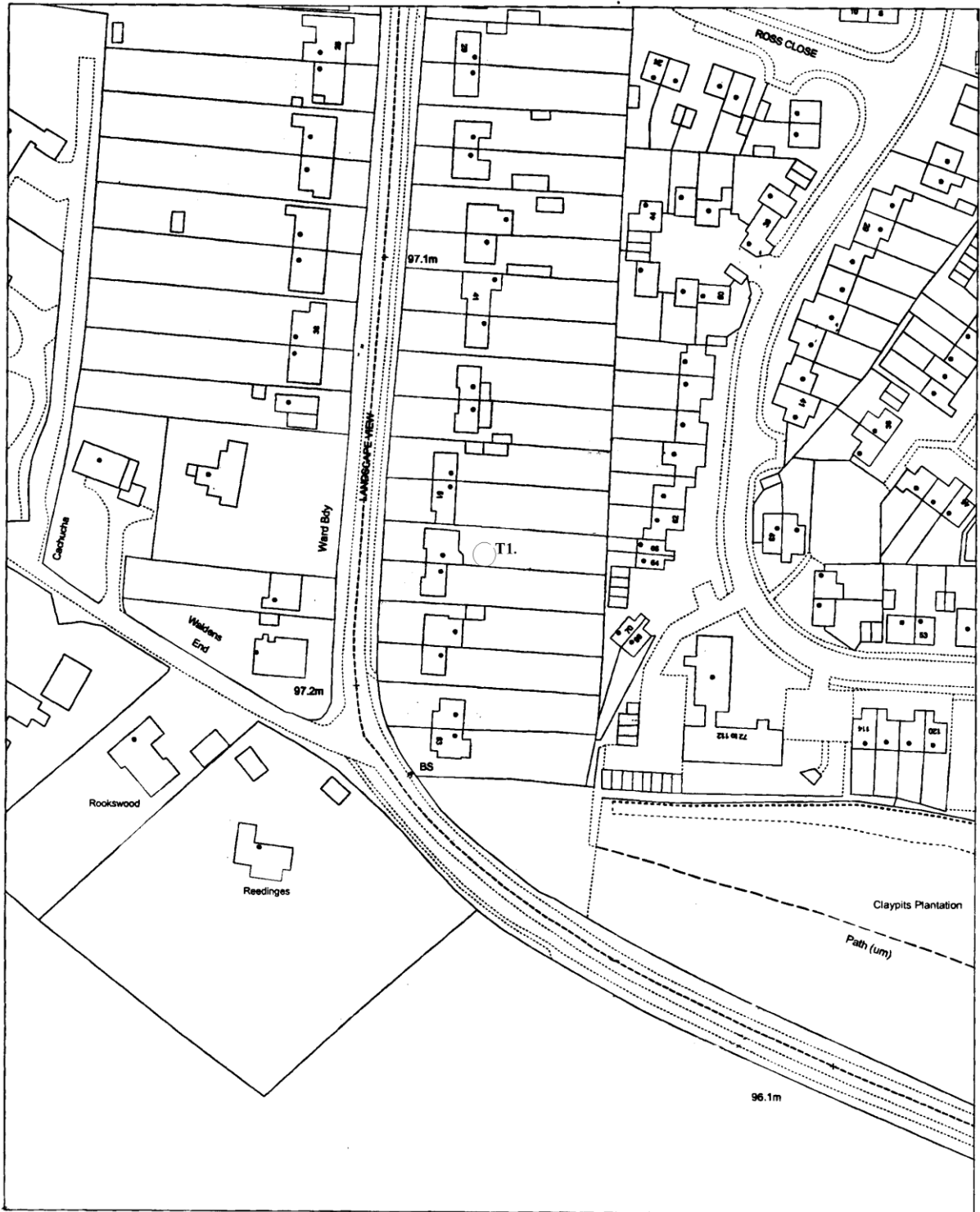
1 = Little or no risk or impact



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: TPO map [amended]**



 <p><b>UTTLESFORD DISTRICT COUNCIL</b> <b>TREE PRESERVATION ORDER</b></p>	<p><b>No. 4/12 - Saffron Walden</b> <b>53 Landscape View</b></p>	
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DATE:03/09/2012	MAP REFERENCE: TL5336NE	SCALE:1:1250

**Appendix 2:** View of the walnut tree from the public highway.



Appendix 3: TEMPO decision guide.

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

Date: 8.9.12	Surveyor: DEN SMEEDEN
<b>Tree details</b>	
TPO Ref: T.1	Tree/Group No: 1 Species: WALNUT
Owner (if known):	
Location: 53 LANDSCAPE VIEW	

**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.

<b>Score &amp; Notes</b> 5. TREE WELL FORMED & FREE OF MAJOR DEFECTS
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**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.

<b>Score &amp; Notes</b> 4
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**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 |

<b>Score &amp; Notes</b> 3 TREE FORMS BACK- DROP TO HOUSES VISIBLE FROM PUBLIC HIGHWAY
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**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   | <table border="1" style="width: 100%;"> <tr> <td> <b>Score &amp; Notes</b> 1                 </td> </tr> </table> | <b>Score &amp; Notes</b> 1 |
| <b>Score &amp; Notes</b> 1   |   |                            |
| 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          |   |                            |

**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify.

- |                               |   |                            |
|-------------------------------|---|----------------------------|
| 5) Immediate threat to tree   | <table border="1" style="width: 100%;"> <tr> <td> <b>Score &amp; Notes</b> 3                 </td> </tr> </table> | <b>Score &amp; Notes</b> 3 |
| <b>Score &amp; Notes</b> 3    |   |                            |
| 3) Foreseeable threat to tree |   |                            |
| 2) Perceived threat to tree   |   |                            |
| 1) Precautionary only.        |   |                            |

**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 |

<b>Add Scores for Total:</b> 16.
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<b>Decision:</b> MAKE TPO.
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*DS*