

Committee: Planning

Agenda Item

Date: 10th December 2014

6

Title: Tree Preservation Order 04/14 Thaxted Churchyard, Thaxted.

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Landscape Officer**

Item for decision

Summary

1. This item seeks the Committee's consideration of objections received in respect of the making of a tree preservation order (TPO) on three lime trees in Thaxted churchyard. The objections have been made by the occupier of a neighbouring property and the Thaxted Parish Council.

Recommendations

2. Tree Preservation Order No. 4/14 is confirmed with the description of the location of the trees on the 1st schedule of the order amended to 'South west corner of the churchyard, St. John The Baptist St. Mary and St. Laurence Church, Thaxted' and the title of the order amended to 'The churchyard, St. John The Baptist St. Mary and St. Laurence Church, Thaxted' and the order map amended to show the group of trees within a broken black line on the 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.04/14 and emails of objections to the making of the TPO. Report by ECC Senior Arboriculturist at Place Services.

Impact

- 4.

Communication/Consultation	The owner and objectors to be advised of decision
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None

Sustainability	None
Ward-specific impacts	Thaxted
Workforce/Workplace	None

Situation

5. A notification of intent to carry out tree works to three lime trees in the grounds of Thaxted churchyard was received on 22 September 2014 from the occupier of Maud Lamb's Cottage, Fishmarket Street, Thaxted. The trees are within the Thaxted conservation area [Appendix 1: location plan]. The trees were subsequently inspected by Paul Frainer, ECC Senior Arboriculturist at Place Service, on behalf of the District Council, who advised that the trees are of amenity value and recommended that they be made subject to a tree preservation order. In the interests of amenity a provisional tree preservation order was made on the 17 October 2014 protecting the group of three lime trees.
6. An objection to the making of the TPO has been received from the adjoining neighbour at Maud Lamb's Cottage. The grounds of objection are summarised as follows: The assessment, report and conclusions were made without reference to supporting information submitted with the notification and resulted in a perverse decision making the TPO defective. The Thaxted Parish Council have also objected on the grounds that the trees are not worthy of protection and require regular maintenance.
7. It is not disputed that the consultant arboriculturist from Place Services did not consider supporting information submitted with the notification. However, the Council's Landscape Officer subsequently inspected the trees and considered the reasons for the proposed pollarding of the limes and the removal of all branches overhanging the garden of Maud Lamb's Cottage.
8. The reasons for the proposed pollarding are summarised as follows: Two of the limes are far too tall for their location. The trees have previously been pollarded. The trees have reached an uncontrolled height which impacts on the safety and quality of life of the owners of Maud Lamb's Cottage. The trees prevent daylight reaching the north facing elevation of the cottage impacting on the longevity of the thatch, rendered walls and pathway and prevent sunshine reaching some areas of the garden and rainfall reaching the adjacent flowerbeds. Branches overhang the party wall to a significant degree, approximately 4m towards the thatched roofline. Pigeons perching on the overhanging branches results in washing on the washing line below being spoiled and the patio and sections of the garden being unusable for the same reason. The close proximity of the trees to the party wall presents a danger to its structure. A similar lime tree adjacent to the church boundary wall was pollarded 2 years ago.
9. Two of the lime trees are large mature specimens of some 27m in height, and one is a younger subject of some 13m in height. All three trees are well formed

and found to be in good general health. These trees have not previously been pollarded. There is no evidence to suggest that these trees are in a dangerous condition.

10. With regard to loss of light to the garden and dwelling known as Maud Lamb's Cottage caused by the trees this is considered to be limited. The trees are situated to the north of the property and therefore direct sunlight to the dwelling is not affected. Ambient light levels may be affected to some limited extent but this is not considered to be significant.
11. North facing thatch is more susceptible to moss and algae, however, the north side of the thatch will normally outlast a south or west facing aspect as the north side is not subject to effects of the movement of moisture and frost triggered by early sunlight. The canopies of the lime trees do not directly overhang the thatched roof of Maud Lamb's Cottage and therefore the effect of these trees on the thatch is considered unlikely to be significant. Given that the dwelling is on elevated land the circulation of air should be relatively good which will increase the lifespan of the thatch. The trees are not considered likely to significantly contribute to any algae growth on the north facing rendered walls of the dwelling. It is accepted that in respect of the paved areas directly under the canopy spread of the trees there is an increased likelihood of algae growth, however, this can be relatively easily cleaned off using a proprietary cleaning fluid or a diluted bleach solution. Any aphid drip deposits and sooty mould on these areas can be similarly removed.
12. With regards to the trees affecting garden plants, as with any location, plants need to be selected which are tolerant of the prevailing conditions.
13. It is accepted that roosting pigeons in trees can cause problems with their droppings and that there is a risk to health if dried bird droppings are inhaled. Whilst it may be tiresome, droppings can be carefully washed away. There is space within the garden area to hang out washing which would not be directly under the canopy spread of the trees.
14. The trees are growing in relatively close proximity to a part retaining wall. This brick wall with piers forms the boundary of the churchyard and the trees are situated on the higher ground within the churchyard. There is no evidence that the wall has suffered damage due to the presence of these trees. The trees are mature specimens and it is considered unlikely that at this stage in their life they would cause damage to the wall.
15. A notification of intent to pollard another lime tree in the churchyard was received in 2012 and no objection was raised in this particular case as the tree had previously been subject to this form of management.
16. It is considered that pollarding of the three subject lime trees would be highly detrimental to the health and amenity value of these trees. Pollarding would result in large cut wounds which would be susceptible to decay and weakly attached new growth at the cut points. The removal of all branches overhanging the garden of Maud Lamb's Cottage would unbalance the trees' crowns significantly reducing the visual amenity value of the trees and

potentially affecting their stability. These trees are considered to make an outstanding contribution to the visual quality and historic fabric of this part of the conservation area [Appendix 2: photo]. The trees are visible from a number of public vantage points. For these reasons the trees were made the subject of a provisional tree preservation order.

17. Whilst the Council's arboricultural consultant did not consider supporting information submitted with the notification, including the reasons for the propose tree work, it is considered that the recommendation that the trees are of an amenity value worthy of being made subject to a provisional tree preservation order is sound and that the omission did not result in a perverse decision making the TPO defective.
18. The Thaxted Parish Council's objection to the making of the tree preservation order on the grounds that the trees are not worthy of being protected and require regular maintenance is not considered sustainable. The trees are considered to make an outstanding visual amenity contribution to the conservation area by reason of their size, form, and location. With regards to the issue of maintenance and management of these trees there is no work which is considered necessary at this time. In the circumstances of the tree preservation order being confirmed application for consent to carry out work to the trees would be determined in the normal manner.
19. Since the provisional tree preservation order was made an application for consent to pollard the three lime trees and to remove all branches extending over the grounds of Maud Lamb's Cottage has been received. This application has been refused.
20. The recommended amendments to the tree preservation order are required to accurately describe the order and the trees on the order map.

Risk Analysis

21.

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 2: Photograph of lime trees taken from junction of Watling Street and Bolford Street.



Appendix 3: Photograph showing the relationship between the lime trees and Maud Lamb's Cottage to the right of the picture.

