

## **RYEDALE DISTRICT COUNCIL**

### **TREE PRESERVATION ORDER APPEALS WORKING PARTY**

Date

#### **Report of the Development Control Manager**

#### **Objections to Tree Preservation Order No. 329/2011**

##### **Purpose of the Report**

To advise members of the objections received in connection with the above Tree Preservation Order and to make recommendations on confirmation.

#### **1. INTRODUCTION**

- 1.1 This Order protects a single ash tree, and six single lime trees along the frontage of a property known as Lakeside Buildings at the eastern end of Wintringham Village.
- 1.2 The Order was made following a recent planning application for development close to the trees, the fact that the land is to change ownership, and furthermore the trees are outside of the Wintringham conservation area boundary and consequently are not protected by the status that would offer. Prior to making the Tree Preservation Order the trees were assessed under the criteria of the 'Tree Evaluation Method for Preservation Orders' which is a which is one of the recognised methods of assessing the suitability of tree for inclusion within a tree preservation order.
- 1.3 A copy of the TPO plan is at Annex 1, and a copy of the objection letter is at Annex 2. A copy of the amenity evaluation sheet is at Annex 3.

#### **2 USUAL OBJECTIONS TO A TREE PRESERVATION ORDER**

- 2.1 Objections and representations can be made on any grounds as long as the grounds are communicated to the Council within the statutory time limit. Typically objections and representations can: -

challenge the Council's view that it is expedient in the interests of amenity to make a TPO;

claim that a tree included is dead, dying, or dangerous;

argue that a tree is causing damage to property;

point out errors in the TPO or uncertainties in respect of the trees that are supposed to be protected by it;

accuse the Council of failing to adhere to the procedural requirements of the 1999 Regulations.

### **3. SUMMARY OF OBJECTIONS**

- 3.1 Objections have been received from:

Carter Jonas of Harrogate acting as agents for the Trustees of Major GRH Chomley's Estate. The objections are made on two grounds which are summarised as follows.

- 3.2 Permission has recently been granted for the conversion of a building adjacent to the trees which brings into question the long-term retention of the trees on safety grounds.
- 3.3 A more robust assessment of the trees should be undertaken by the Council and that T4 is a poor specimen.
- 3.4 Members are also made aware that there is a clerical error in schedule 1 of the Tree Preservation Order where T7 is referred to as Lime rather than Ash. This could be corrected in any amendments to the Tree Preservation Order approved by Members.

### **4 APPRAISAL OF OBJECTIONS**

- 4.1 Objection (1)
- 4.2 Owing to the possible threat of felling that the trees were under at the time the application was approved a degree of covertness regarding the inspection of the trees had to be employed by the Tree & Landscape Officer. Consequently, it was not possible to inspect the trees in detail to make a proper assessment as to likely safe longevity.
- 4.3 Objection (2)
- 4.4 Since that time a general assessment of tree health has been carried out by the Tree and Landscape Officer.

#### **4.5 Summary of tree assessment:**

Generally it is considered that, with the exception of T4 (lime), which is a thin suppressed tree, the trees are in good condition and do not appear to have been subject to any major tree pruning work in the past. Owing to the proximity of one tree to another in the line, tree crowns have not developed symmetrically. Consequently, it is essential that they are retained as a whole to ensure that significant changes in wind patterns through the trees are not created which lead to damage to individual crowns. It is not however considered that the removal of T4 would have a significant effect in this regard, or in a loss in visual amenity.

- 4.6 T5 has a longitudinal scar down one side of its main trunk where a branch was lost some years ago causing a tear down the trunk. The tree has grown new tissue around the damaged area which appears to have healed well. It is not considered that this damage threatens the stability of the tree.
- 4.7 It is considered that the concerns over the long-term safety of the trees could be addressed through appropriate pruning works, and, whilst it is not the responsibility of the Council to provide a detailed specification for such works, it is recommended that minor crown reduction and crown lifting works to some trees should be considered in this case. Such details could easily be provided by a competent tree surgeon through an application to the Council for approval.

#### **5. CONCLUSION:**

The significant amenity value and benefits these trees provide to the locality is considered to justify the making of a TPO when weighed against the inconvenience they may cause to local residents, both now and in the future. Throughout the district similar juxtapositions can be observed where trees and buildings co-exist in close proximity to each other. Such a reason on its own does not justify the removal of amenity trees. The Tree and Landscape Officer is of the opinion that these trees fulfil the criteria for making a TPO and that the trees were under a perceived threat, especially considering the content of the objectors letter. Modifications to the TPO, deleting T4 (lime) from the Order, and amending the description of T7 from lime to ash are recommended.

#### **6. RECOMMENDATION**

- 6.1 Members have three options in this case:

- to confirm the Tree Preservation Order.
- not to confirm the Tree Preservation Order.
- to confirm the Tree Preservation Order with modifications.

#### **RECOMMENDATION**

That Tree Preservation Order No. 329/2012 is confirmed with modifications.

**Background Papers**

None

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