

## **BRECKLAND COUNCIL**

### **REPORT OF TIM LEADER DEPUTY CHIEF EXECUTIVE - CHIEF EXECUTIVE DEPARTMENT TO THE APPEALS COMMITTEE – 25 FEBRUARY 2009**

#### **OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2008 NO.99 CARBROOKE/GRISTON**

##### **1. Purpose of Report**

- 1.1 Tree Preservation Order (TPO) 2008 No.99 was made to protect twenty-five individual trees and ten groups of trees on land within the area known as Beech Tree Park Estate, Carbrooke on 17<sup>th</sup> December 2008. An objection to the protection of trees T10 (Silver Birch) and T11 (Whitebeam) has been received which must be considered by this committee.

These two trees were previously protected as part of Area A1 of TPO 1987 No.2. Tree Preservation Order 2008 No.99 will expire on 17<sup>th</sup> June 2009 unless it is confirmed before that date.

##### **2. Recommendations**

- 2.1 It is recommended that the Council/Committee confirm Tree Preservation Order 2008 No.99 with T10 and T11 included.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

Advice from the Department of Communities and Local Government recommends that Local Planning Authorities (LPAs) undertake a re-survey of their Tree Preservation Orders (TPOs) paying priority attention to orders made under superseded legislation and those made using 'Area' designations. The purpose of this review is to ensure that Breckland's TPOs are brought up to date, protecting appropriate trees and lifting restrictions from trees that do not merit special protection.

TPO 1987 No.2 was made when the land was sold by The Ministry of Defence and was served on the purchasers, Wallsend Estates. Re-survey of the trees covered by TPO 1987 No.2 (Watton), which designated trees by reference to an 'Area', has identified the trees on the enclosed order (2008 No.99) to be of significant amenity value and it is therefore considered expedient that they continue to be protected.

- 3.1.1 Tree Preservation Order (TPO) 2008 No.99 was served upon 15 owners, including Mr and Mrs Blatcher of Hendon House. Mr & Mrs Blatcher have two individual trees within the front garden (T10 & T11), and one group (G3) containing six Scots Pine, in the rear garden of their property. The order was served on the 17<sup>th</sup> December 2008 under section 198 of the Town and Country Planning Act 1990 on the grounds that the trees have significant amenity value.(Appendix A)
- 3.1.2 An objection into the making of Tree Preservation Order 2008 No.31 was made by Mr and Mrs Blatcher on 22<sup>nd</sup> December 2008 and received on the 24<sup>th</sup> December 2008 (Appendix B)

### 3.2 Issues

The following are the issues raised by Mr and Mrs Blatcher.

3.2.1 Size and close proximity to the road.

3.2.2 Overshadowing.

3.2.3 Damage to underground services and foundations.

3.2.4 The requirement to carry out regular maintenance.

3.2.5 The trees, which form the subject of the objection, stand within the front garden of Hendon House, Carbrooke (See photos in Appendix C)

They trees are fine specimens with considerable amenity value and are prominent trees at the entrance to Cochrane Close.

It is not considered that the trees pose any unreasonable threat to the properties or road due to their close proximity to them.

The Silver Birch is a tree noted for the 'dappled shade' that it produces when in leaf and both species are deciduous losing all their leaves in winter when the day-light hours are reduced.

No reports or evidence of root related damaged to underground services or foundations have been provided.

The Silver Birch T10 has been crown lifted up to 4 M from ground level and has adequate clearance to allow access to Hendon House. Remedial works to abate encroachment over the house in the future would be considered favourably.

The Whitbeam T11 has been crown lifted up to 3 M from ground level and has adequate clearance to allow access to Cochrane Close for pedestrians and vehicles.

### 3.3 Options

3.3.1 To confirm Tree Preservation Order 2008 No.99.

3.3.2 To modify Tree Preservation Order 2008 No.99 with T10 and T11 removed.

3.3.3 To not confirm Tree Preservation Order 2008 No.99.

### 3.4 Reasons for Recommendation(s)

3.4.1 The Council has a duty to have regard to the conservation of biodiversity and to protect important amenity trees.

3.4.2 The trees have Considerable amenity value and make a significant contribution to the residential character of the area.

3.4.3 The trees have been assessed using Breckland Councils adopted TPO scoring system and the trees fall within the suitability range (Appendix D)

## 4. Risk and Financial Implications

### 4.1 Risk

4.1.1 None

### 4.2 Financial

4.2.1 None

## 5. Legal Implications

5.1 None

**6. Other Implications**

None

- a) Equalities: None
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: The Whitebeam is a species of tree which supports Fieldfare, Redwing and Mistle Thrush which are Amber listed species and also Song Thrush, Which is a Red list species and Norfolk Biodiversity Action Plan (BAP) species. The native Silver Birch supports Marsh Tit which is an Amber listed species and has an important role in contributing to our National Biodiversity.
- d) Human Resources: None
- e) Human Rights: None
- f) Other: None

**7. Alignment to Council Priorities**

- 7.1 Saved Policy ENV 6; Development Control will, through positive action, seek to protect habitats or other features which are of value to nature conservation, biodiversity.

**8. Ward/Community Affected**

- 8.1 Templar Ward/Carbrooke.

**Background Papers**

None

**Lead Contact Officer:**

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**Key Decision Status (Executive Decisions only):**

*No Key Decision*

**Appendices attached to this report:**

*A: Copy of the TPO Map and Schedule*

*B: Letter of Objection to the TPO*

*C: Aerial photographs of the area and pictures of the trees T10 and T11*

*D: TPO Scoring Form*