

BRECKLAND COUNCIL

Report of the Deputy Chief Executive to the APPEALS COMMITTEE – 6 MAY 2009

(Author: Richard Fisher, Assistant Tree & Countryside Officer)

OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2009 NO.14 1 BARBERS YARD, OLD BUCKENHAM

1. Purpose of Report

- 1.1 Tree Preservation Order (TPO) 2009 No.14 was made to protect two individual Ash trees within the garden of 1 Barbers Yard, Old Buckenham and served on the 11th March 2009. An objection to the TPO was received on the 17th March 2009 in respect of T1 and T2 which must be considered by this Committee. The order will expire on 11th September 2009 unless it is confirmed before that date.

2. Recommendations

- 2.1 It is recommended that the Council/Committee confirm Tree Preservation Order 2009 No.14.

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

A Section 211 (Conservation Area) notification to remove T1 and to heavily reduce T2 was received on the 12th Feb 2009.

Two previous planning applications, relating to the neighbouring property, Ottomer Cottage, for the erection of a single dwelling in the rear garden have been received and subsequently withdrawn, the proposed dwelling would need an access driveway which would need to be positioned directly adjacent to the stems of these trees.

A current Planning Application has been received, again for the adjacent property and again needing an access driveway directly adjacent to the stems of these trees, this application was granted permission on the 25th March 2009.

- 3.1.1 Given the planning history of the neighbouring site and the recent application to fell T1 and to heavily reduce T2 it is felt that the trees are under significant threat and that it was expedient in the interests of amenity that they be formally protected.
- 3.1.2 Objections into the making of Tree Preservation Order 2009 No.14 were made by Mr Hardy on 9th February 2009.

3.2 Issues

The following are the issues raised by Mr Hardy.

- 3.2.1 The perceived size of the trees and proximity and a potential to cause damage to the dwelling and neighbouring structures.
- 3.2.2 Shedding branches in windy weather.

- 3.2.3 It is not considered that the trees pose any unreasonable threat to the properties/structures due to their close proximity to them.

No reports or evidence of root related damage have been provided.

Although the trees are close to a shed on the neighbouring property, due to the current Planning Permission (3PL/2009/0106/F) this shed is due for removal.

It is not considered that seasonal branch dropping, which is a natural part of a tree's yearly cycle, should stop the confirmation of this Tree Preservation Order.

3.3 Options

- 3.3.1 To confirm Tree Preservation Order 2009 No.14.

- 3.3.2 To not confirm Tree Preservation Order 2009 No.14.

3.4 Reasons for Recommendation(s)

- 3.4.1 The Council has a statutory duty to have regard to the conservation of biodiversity and to protect important amenity trees. The two As trees form an important part of the overall Landscape and will enhance the development on the neighbouring property.

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**

- a) Equalities: None
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: The Native Oak is the species of tree which supports the greatest number of different life forms within the British Isles 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 Environment

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 Old Buckenham.

Background Papers

None

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Key Decision Status (Executive Decisions only):

Non Key Decision

Appendices attached to this report:

A: Copy of the TPO Map and Schedule

B: Letters of objection to the TPO

C: Aerial photographs of the area and pictures of the trees T1-T2

D: TPO Scoring Form