

DECISION

**Report to planning committee**

**COMMITTEE:** Planning Committee

**TITLE:** Town & Country Planning Act 1990  
Town & Country Planning (Trees)  
Regulations 1999  
Tree Preservation Order No.157 (2014)  
Tree Preservation Order No 157 (2014)  
Trees at 23 Church Lane Mow Cop

**SUBMITTED BY:** Head of Operations

**1 Purpose**

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 8<sup>th</sup> April 2014 and to seek approval for the Order to be confirmed as amended.

**2 Background**

- 2.1 In April 2014 your officers received a telephone call and an email from a neighbouring resident expressing concern that mature roadside trees were being felled at 23 Church Lane, Mow Cop.
- 2.2 Your officers inspected and found that several of the remaining roadside tree were worthy of an order. An Interim Tree Preservation Order was made on 8<sup>th</sup> April 2014 in order to safeguard the long-term visual amenity that the trees provide, following concern for their future from a threat of felling.
- 2.3 The trees are clearly visible from Church Lane and Moorland Road.
- 2.4 The trees make an important present and future contribution to the area and the loss of these trees would have a detrimental effect on the visual amenity, not only of the site but also the locality.
- 2.5 From an initial ground inspection from publically accessible positions, the trees were of a sufficient quality to be retained.
- 2.6 Following the order being served, additional calls were received from neighbours who were concerned that tree felling was continuing.
- 2.7 Your officers made a second visit on 14<sup>th</sup> April 2014 and found that a further two trees (T3 and T4), covered by the order had been felled. Upon visiting the property the owner stated that he was unaware that a Tree Preservation Order had been served on the property 6 days previously. During the conversation the owner went round to the back of the property, brought out one of

- the two orders that had been delivered, and appeared to open it in front of your officers.
- 2.8 No further tree felling has taken place since and as such T1, T2 and T5 remain.
- 2.9 Following the publicity process a single representation package containing letters and signatures was received from the owners of the property.
- 2.10 The written objection from the owner made the following points:
- T5 is diseased.
  - T5 is too large for its position in a small rear garden.
  - Roots of T5 were undermined when the patio and foundation of the property were dug.
  - T5 blocks the view of the castle.
  - T1 is in close proximity to the property.
  - T1 blocks light and view.
  - TPOs will affect the value and saleability of the property.
  - T2 blocks out light and view.
  - Roots of T2 are affecting the property.
  - Autumn leaves block gutters and drains.
- 2.11 Following the consultation, the owners had visited their neighbours to ask them to sign letters and to fill in a petition objecting to the Tree Preservation Order.
- 2.12 Six letters were written up on behalf of the neighbours that were subsequently signed. They contained the following points:
- The trees block light especially T5.
  - T5 sways in the wind.
  - The trees are too large for the site.
  - The roots are affecting our property.
  - Inability to put in solar panels.
  - Leaves block drains.
  - Leaves take weeks to clear.
  - Road gets slippery.
- 2.13 The petition was '*We object to a Tree Preservation Order being placed on number 23 and 23a Church Lane Mow Cop*', which had 25 signatures.
- 2.14 The owner does not give any detail of information that was given to the neighbours concerning the councils reasons for placing the TPO, nor is any detail provided of residents that did not want to sign the petition or letters.
- 2.15 Following concerns that were raised about the health of T5 and the impact of damage caused to tree roots, a site inspection was made on 4<sup>th</sup> September 2014 with the council's tree officer.
- 2.16 It was apparent that extensive damage had occurred to the roots of T5. Construction of foundations and landscaping caused

significant damage that will affect the stability of this tree. As such there are sufficient arboricultural reasons for the Tree Preservation Order that affects this tree not to be confirmed.

2.17 Upon a visual inspection of other remaining trees from the garden, a cavity on T2 was observed, upon which an inspection was made with the use of a ladder. Inspection of the cavity revealed some decay, the extent of which is sufficient arboricultural reason for the Tree Preservation Order that affects this tree not to be confirmed. Signs of Bleeding Canker (disease) were also evident on this tree.

2.18 T1, which is the only remaining tree on the site shows some minor thinning of the canopy (displayed by similar trees in the locality) but not sufficient to not confirm the Tree Preservation Order.

2.19 Many of the concerns relate specifically to T5, however other reasons for objection which could relate to T1 are:

- Light.
- View.
- Potential future impact on the building (no damage to the building is evident at present).
- Blocking drains.

Your officers do not consider that the above reasons are sufficient to warrant the Tree Preservation Order that affects this tree not to be confirmed. However it could be considered that the loss of T2 would improve matters concerning light and views from the properties affected.

2.20 Your officers are of the opinion that in order to protect the long-term wellbeing of the remaining Sycamore tree, that it should be protected by a confirmed Tree Preservation Order.

### **Recommendation**

Trees T2 and T5 have arboricultural defects that would mean that a Tree Preservation Order would not be considered appropriate.

That Tree Preservation Order No 157 (2014) is confirmed as amended as T157b (2014) and will cover only T1.

That TPO 157b (2014), which affects 23a Church Lane Mow Cop is confirmed as amended and that the owners of the trees are informed accordingly.