

PLANNING COMMITTEE – 19 NOVEMBER 2015

PART I - DELEGATED

5. **Consideration of Objections and Confirmation of Three Rivers (18 North Approach Moor Park Northwood) Tree Preservation Order 2015** (DCES)

1. **Summary**

- 1.1 The decision by Planning Committee was deferred 15 October 2015 in order for an updated report showing photographs of the Cedrus spp. tree looking from the rear garden towards North Approach. This updated report is to further consider the objections made, in respect of the Three Rivers **(18 North Approach Moor Park Northwood)** Tree Preservation Order 2015, in response to a Section 211 Notice to crown reduce the tree. This report sets out the Officer's recommendations to confirm this Order without modification.

2. **Details**

- 2.1 The Three Rivers **(18 North Approach Moor Park Northwood)** Tree Preservation Order 2015 was made in respect of the immediate threat of the Cedrus spp. tree being crown reduced 15% (2m in height,) the sides being reduced 10% (1.5m), and the whole crown being crown thinned by 15%. Further information has been requested by Planning Committee including photographs of the tree from the rear garden and the recent tree pruning works that have been carried out.

- 2.2 An objection has been submitted regarding the Order from the owner of 18 North Approach Moor Park Northwood on the following basis:

- (a) Causing darkness within the properties.
- (b) The way the Tree Preservation Order was made, served, and was number 20 served the Order.
- (c) Perceived risk to tree failing.
- (d) Past tree works have been carried out.

Further to the objections above, the following questions were asked by the Planning Committee on 15 October 2015. The owner of 18 North Approach Moor Park Northwood has also raised one additional objection.

- (e) The tree has lost its top in the past and shed branches.
- (f) The Moor Park Estate Conservation Area already protects the tree and as such a Tree Preservation Order does not need to be made.
- (g) The owner has raised concerns of the cones falling and hitting the neighbour's children on the head.

- 2.3 In response to the above objections:

- (a) There is no right to light. The back rooms of the property are affected only. Past thinning works have allowed more light to filter through.
- (b) The Tree Preservation Order has been served correctly with no mistakes made on the model order. A copy of the Order was also served on the neighbouring property number 20.
- (c) There will always be a potential risk of failure with trees. Regular surveys of trees should be promoted as good husbandry to ensure such trees are in good health and therefore less likely to fail. At the time of inspection the tree was found to be in a reasonable condition.
- (d) Records show reasonable works have been carried out in the past. However, with regards to the recent proposal, it is considered that an overall height reduction of 2m, and the sides by 1.5m is too drastic and would spoil the morphology of this particular species of tree.

In response to the questions raised at the Planning Committee and the additional question from the owner of 18 North Approach, Moor Park, Northwood:

- (e) A straight main leader is still present. However, a replacement co-dominant leader has curved up to compete with the straight leader. This co-dominant leader is probably due to past storm damage. No main primary branches have torn off from the main stem. This can be seen from the photographs. The Cedar tree is also in the first 1/3 of its life span.
- (f) Clarification of the protection provided by a Conservation Area (CA) is that the CA protects all trees. Notice to carry out any tree works within a CA is required by the Local Planning Authority (LPA). Once it receives notice, the only choice the LPA has if it considers the work not necessary or excessive is to protect the tree with a Tree Preservation Order. This is what has occurred in this case. If a Tree Preservation Order is not made then the works can go ahead after six weeks. The Tree Preservation Order should not prevent any future tree works that are considered good arboricultural practice and reasonable.
- (g) Cedars produce cones every other year. The cones range in length from 6-12cm and 3-8cm width. They mature in 12 months and then disintegrate. Some years might be heavier mast seeding than others. The lower crown has been pulled back from the patio area and thinned. This should aid with the concerns regarding falling cones.

3. **Options/Reasons for Recommendation**

3.1 There are two options available to the Committee:

- (a) Confirm the Order without modification.
- (b) Not to confirm the Order. This would mean that the tree/s would not be provided statutory protection.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5. **Financial, Legal, Equal Opportunities, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

6. **Recommendation**

6.1 That the objection is noted but that the Three Rivers **(18 North Approach Moor Park Northwood)** Tree Preservation Order 2015 is confirmed without modification.

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Background Papers

TPO825 file



Three Rivers (18 North Approach Moor Park Northwood) Tree Preservation Order 2015

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