

Report of	Meeting	Date
Director Partnerships, Planning & Policy	Development Control Committee	21 May 2013

Tree Preservation Order No.1 (Eccleston) 2013

PURPOSE OF REPORT

- The purpose of this report is to decide whether to confirm the above Tree Preservation Order (TPO) in light of the objections received.

RECOMMENDATION(S)

- That Tree Preservation Order No.1 (Eccleston) 2013 is confirmed.

EXECUTIVE SUMMARY OF REPORT

- This reports sets out the purpose of protecting the tree and the site owner's objections to the suggested preservation order.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- An application was received to the develop land at The Carrington Centre, Eccleston in 2011. At that time a Tree Preservation Order was placed on the trees within the site which were considered to benefit the character and amenity of the area and as such warranted protection. This was secured via TPO 3 (Eccleston) 2011.
- The tree subject to this TPO was not protected by virtue of the existing TPO as it was understood to be outside of the application site and as such was not considered to be under threat by the development. The Tree Survey submitted with the outline application identified that the tree was causing damage to the boundary fence and that the protruding boughs should be removed on safety grounds. These works have been recently undertaken however as it has now been clarified that the tree is within Northern Trust's ownership and the proposed plans for the site have been amended it is considered that this tree should also be afforded protection.

7. Northern Trust have objected to the proposed TPO on the following grounds:
- When planning application 11/00366/OUTMAJ was considered TPO no.3 (Eccleston) 2011 was made and confirmed relating to trees elsewhere on the site. The LPA did not consider it expedient to include tree T1 of the 2013 order in the same or a separate order in 2011. That outline plan proposed a service yard access running alongside the tree and under the overhanging boughs which were shown in the tree survey to be pruned back to prevent their conflict with passing vehicles. The boughs were identified in the tree survey as being over heavy and liable to fall causing damage to the tree.
 - The current full planning application (13/00156/FULMAJ) proposes a single storey row of shop units near the northern site boundary where the tree is located. In order to accommodate the buildings the overhanging boughs have been pruned back with permission of the LPA under a condition attached to the outline planning permission. The extent of pruning is sufficient to enable the revised scheme to be built and there is no need to remove the tree.
 - The pruning works identified, which included dead wooding, had the express intention to improve the health and appearance of the tree and ensure its retention and longevity. The tree has grown with the existing car park constraining its roots in that direction and there is only a single larger root affected by the proposed shops. We have further considered the tree by designing a foundation for the row of shops that will bridge this root.
 - We feel the proposed TPO is unnecessary as the tree is not under threat of either removal or unwarranted pruning. Furthermore, a condition can be attached to the current full planning application requiring prior consent for any further works to the tree related to the development.
8. The tree is a mature oak which is healthy and prominent within the local landscape and is considered to add to the visual amenities of the area. Northern Trust's intentions are noted in respect of the retention of the tree and the development of foundations for the proposed local centre, if approved, which will bridge this root. However the proposals will result in development close to the tree and it is considered that every protection should be afforded to it in line with the other trees which have been protected on the site.

IMPLICATIONS OF REPORT

9. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

10. There are no financial implications.

COMMENTS OF THE MONITORING OFFICER

11. It is for the committee to assess whether the tree brings amenity value to the area. The other proposed methods of protection do not impact on this test or prevent the tree being designated under an order.

LESLEY-ANN FENTON
DIRECTOR PARTNERSHIPS, PLANNING AND POLICY

Background Papers			
Document	Date	File	Place of Inspection
Tree Preservation Order No.1 (Eccleston) 2013		Tree Preservation Order No.1 (Eccleston) 2013	Civic Offices, Union Street

Report Author	Ext	Date	Doc ID
N Hopkins	5214	3 rd May 2013	***