

Report of	Meeting	Date	Item No
Director of Development and Regeneration	Development Control Committee	12/12/2006	

## **OBJECTION TO TREE PRESERVATION ORDER NO. 5 (ABBEY VILLAGE) 2006**

### **PURPOSE OF REPORT**

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

### **CORPORATE PRIORITIES**

2. This action will contribute towards a greener Chorley.

### **RISK ISSUES**

3. The report contains no risk issues for consideration by Members.

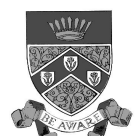
### **BACKGROUND**

5. The tree in question lies within the Abbey Village Conservation Area. In such areas trees are afforded protection. Any works proposed to such trees must be detailed in an application submitted to the Council. Once the application is received, the Council has a period of six weeks to either allow the works to take place, seek an amended scheme of works or ensure the ongoing retention of a tree/s by virtue of the issue of the Tree Preservation Order (TPO).
6. An application (ref no. 06/00690/TCON) to remove the tree was submitted in June of this year by the occupier of 28 Bolton Road to remove the tree, the reason being the potential for damage to the adjacent properties and because of the frequent problems with blocked gutters on the adjoining garage.
7. The Council's Arboricultural Officer was consulted on the application and commented that the tree was in good condition with no obvious defects and even though it was close to the garage, there was no sign of cracking or subsidence. As a result of this the tree was made the subject of a TPO.

### **GROUND OF OBJECTION**

8. Three letters of objection have been received from the owner of the property within the garden of which the tree is located and the occupiers of two adjacent properties. These objections can be summarised as follows: -
  - The tree blocks out sunlight
  - If the tree was blown down it would cause severe damage to property

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- If the tree was to be removed it would not detract from the enjoyment of the area as there are numerous other trees in the vicinity
- Damage to garage foundations is being caused by the tree
- Who would be liable for damage if the tree fell
- Branches could fall from the tree in high winds causing danger to neighbours
- Tree roots will eventually cause damage to the drain
- If the TPO is revoked, another tree will be planted in one of the public areas in Abbey Village at the applicants own expense
- The TPO has not been properly considered

**RESPONSE TO THE GROUNDS OF OBJECTION**

9. The tree lies within a Conservation Area and is visible within the public realm hence it makes a valuable contribution to the visual amenities of the locality and the Abbey Village Conservation Area. The TPO does not inhibit necessary routine maintenance works to the tree, it allows the Council to control what works are undertaken to the tree so as its ongoing protection is ensured.
10. The objections made to the order have been noted. However, they are not considered to be of sufficient weight or substance so as to override the ongoing protection of the tree in question.

**COMMENTS OF THE DIRECTOR OF FINANCE**

11. There are no financial implications to this report.

**COMMENTS OF THE HEAD OF HUMAN RESOURCES**

12. There are no human resource implications to this report.

**CONCLUSION**

13. It is considered the tree has an amenity value to the benefit of the public and contributes to the character and appearance of the locality. The protection of a TPO is therefore warranted.

**RECOMMENDATION**

14. That the order be confirmed.

**JANE MEEK**  
**DIRECTOR OF DEVELOPMENT AND REGENERATION**

Report Author	Ext	Date	Doc ID
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David Stirzaker	5223	27 <sup>th</sup> November 2006	
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<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Chorley Borough Council Tree Preservation Order NO. 6 (Abbey Village) 2006	24 <sup>th</sup> July 2006	TPO No.6 (Abbey Village) 2006	Civic Offices, Union Street
Planning Application	15 <sup>th</sup> June 2006	06/00690/TCON	Civic Offices, Union Street