

Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	26 May 2015

TREE PRESERVATION ORDER NO.13 (CROSTON) 2014

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.

RECOMMENDATION(S)

2. That Tree Preservation Order No.13 (Croston) 2014 is confirmed with modification.

EXECUTIVE SUMMARY OF REPORT

3. This reports sets out the purpose of protecting the trees and objections to the suggested preservation order.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

4. 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

5. An outline application (specifying the access, layout and scale) for demolition of The Mill Hotel and Restaurant and erection of 7 dwellings with associated parking was approved at Development Control Committee on 18th November 2014 subject to a Section 106 agreement. The permission has not yet been issued as the Section 106 agreement has not yet been signed.
6. A tree survey accompanied the planning application and a provisional Tree Preservation Order was placed on some of the trees on or in close vicinity to the site.
7. A detailed objection has been received to the Order. The following bullet points summarise the main points main:
 - Tree T2 should be removed from the Order. It appears a very poor and unbalanced specimen which is impinging on the adjacent tree T1 and could well jeopardise the long term viability of this tree which is growing to suit and so is also becoming increasingly unbalanced. Tree T2 will also need regular cutting back to avoid the adjacent [overhead] wires and obstructing the road so further reducing its contribution to the amenities of the

area/street scene - it does not seem worthy of protection which is likely to be contrary to the best interests of T1.

- Tree T1 as a stand-alone sycamore is probably not of sufficient amenity benefit as to warrant being included as part of the TPO.
 - The size of the proposed Group 1 and Group 2 should be reduced by approximately 15m - the benefit associated with the trees within these areas will be fundamentally the same if reduced as suggested. The width of the two groups also seems to be shown as being significantly wider than it is on the ground, notably Group 1 which should be adjusted to reflect only the area within which the trees are growing.
 - It may be more appropriate to have a single group TPO including T3.
 - The condition of the trees is such that T2 and potentially all the trees here do not warrant being the subject of a TPO. The required reasonable degree of public benefit in the present and/or future simply does not accrue from this proposal and so it is asked that the proposed TPO be withdrawn or the areas reduced as suggested to a shorter single group protection.
8. To respond to this objection a local planning authority may only make a tree preservation order where it is expedient to do so in the interests of amenity. The Oxford English Dictionary defines amenity as '*a desirable or useful feature or facility of a building or place*'.
 9. In relation to tree T2, an Oak, the objector states that it is a very poor and unbalanced specimen. Reviewing tree T2 it appears that there is an error in the tree survey that accompanied the planning application. The Tree Constraints Plan in this report shows T2 to be a category C tree (trees that are of low quality and value with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm), whereas the accompanying table shows it to be a category B tree (trees that are of a moderate quality and value with an estimated remaining life expectancy of at least 20 years). The tree was included in the draft Order on the grounds that it is category B. The arboriculturalist that wrote the report has been contacted and has clarified that the tree is a category C rather than a B. It is considered therefore that the T2 should not be included in the Order.
 10. Tree T1 is a Sycamore, approximately 12m high at present with a potential height of 30m. It has a good physiological condition and a fair structural condition as it has some dead stumps present and old open pruning wounds, but it is estimated it will last another 20 years. In terms of its condition the tree survey accompanying the application grades it as a 'B1' tree as reference from British Standard BS 5837:2012 - Trees in Relation to Design, Demolition and Construction – Recommendations. As stated above Category B states it is a tree of moderate quality with an estimated remaining life expectancy of at least 20 years.
 11. It is considered this tree has significant public amenity value sufficient to warrant a TPO. It is of considerable size at approximately 12m tall, it expected to have a life expectancy of around 20 years and occupies a very prominent visual position on the site frontage of the former Mill Hotel on Moor Road the main road from Euxton to Croston.
 12. It is agreed that reducing the length of Groups 1 and 2 in the Order will make little difference to amenity value of them. It is therefore proposed to confirm the Order with this alteration (see plan showing proposed change). It is also agreed to reduce the width of Group 1 to better reflect the area the trees in this group are growing on the site. It is still considered that the reduced length of the group should be within the Order, both groups are mixed species and are category B. It is considered that the group has significant public amenity value sufficient to warrant a TPO. Group 1 is approximately 15m high and

Group 2 approximately 12m and neither have significant visual defects according to the tree report, both groups are expected to live around another 40 years. The reduced groups are highly visible from Moor Road, especially given that the front of The Mill site is open and allows prominent views of the trees and these views will remain as the outline planning permission granted on the site approves the layout of the proposed dwellings which are also set back from the site frontage.

13. The comments regarding Tree T3, a Horse Chestnut, that it should become part of the adjacent Group 1 are noted, however this tree is positioned slightly further to the North West than the trees in the groups so is seen as an individual tree. It is therefore considered that it merits protection in its own right rather than as part of a group. The tree is 11m high in good physiological condition with no significant visual defects.
14. It is considered expedient to confirm the Order (amended as set out above) as outline planning permission has been granted at the site to demolish the former hotel building and build houses on the site.
15. It is therefore recommended that the TPO is confirmed with the following amendments to the Order:
 - Reduction in the length of Group 1 and 2 by approximately 15m;
 - Reduction in the width of Group 1;
 - Tree T2 removed from the Order.

IMPLICATIONS OF REPORT

16. 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	

Jamie Carson
Director Public Protection, Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Tree Preservation Order No.13 (Croston) 2014		Tree Preservation Order No.13 (Croston) 2014	Civic Offices, Union Street

Report Author	Ext	Date	Doc ID
C Taylor	5222	13 May 2015	***