



Planning Committee:

8th December 2016

Report of: Director of Development and Regeneration Services.

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**SUBJECT: APPLICATION TO CARRY OUT WORKS TO TREES SUBJECT TO A
TREE PRESERVATION ORDER AT 54 TOWER HILL, ORMSKIRK**

Wards affected: Derby Ward.

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of an application to carry out works to two trees subject to Tree Preservation Order (TPO) No 17 1993.

2.0 RECOMMENDATIONS

2.1 That the Council does not object to the works applied for subject to a Condition to prune the trees to the British Standard 3998:2010.

3.0 BACKGROUND

3.1 The Town and Country Planning Act 1990 and The Town and Country Planning (Trees) Regulations 1999 requires anyone wishing to carry out works to trees including pruning or felling, subject to particular exemptions, must first apply to the Local Planning Authority (LPA) for consent.

3.2 Applications for works to protected trees are normally dealt with under delegated powers. However, in this instance this particular application has been received from the Borough Transformation Manager and Deputy Director of Housing and Inclusion.

4.0 PRESENT POSITION - APPLICATION

4.1 The TPO consists of one Sweet Chestnut and one Silver Birch in G1 of the order.

4.2 The application for works consists of the following:-

- T1 Birch - Remove up to 4 branches to provide adequate clearance for the house.
- T2 Sweet Chestnut - Remove up to 6 lower branches that hang low over the lawn and encroach towards the house

4.3 The stated reasons for the works are to reduce encroachment and shading close to the house.

4.4 The trees are situated at the bottom of the garden at 54 Tower Hill, Ormskirk, but overhang substantially into the applicant's property at 2 Oakfields, Ormskirk. The applicant has spoken with the owner of the trees who has no objections to the proposed works.

4.5 Consent for previous works to the same trees was approved in September 2002.

5.0 ASSESSMENT

5.1 Both trees have grown substantially in the intervening years since the previous authorised works in 2002.

5.2 The canopies of both trees substantially overhang into the applicant's rear garden and extend close to the rear elevation of the house. The Birch tree, in particular, is close to the corner of the house. Both trees cause shading and light obstruction to a conservatory and first floor windows to the property at 2 Oakfields.

5.3 The works applied for are acceptable and would allow reasonable enjoyment of the property. The works would not have any notable implications to the health and appearance of the trees and would have little impact on the neighbouring properties and would not diminish any screening values.

5.4 Subject to the pruning being carried out to the British Standard 3998:2010, I raise no objection to the proposed works.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 There are no significant sustainability impacts associated from this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 If the Council were to refuse some works or impose any conditions then there is a potential to claim against the Council for compensation under the Act that arises as a result of loss or damage from a refusal or any conditions imposed with a Council's consent.

8.0 RISK ASSESSMENT

8.1 The Council has a legal duty to protect trees covered by Tree Preservation Orders to stop the cutting down, uprooting, topping, lopping, wilful damage or

wilful destruction of protected trees or woodlands.. The works are considered appropriate and applying a Condition to ensure the works are carried out to the British Standard ensures that our duty is complied with.

** Please delete as appropriate*

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
12 October 2016	Application to carry out works on trees protected by a Tree Preservation Order	Register of current application.
26 July 2002	Application to carry out works on trees protected by a Tree Preservation Order	Register of current application.
19 December 1997	Consent to carry out works to Birch Tree	TPO File No. 17: 1993

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix A - Plan showing location of TPO trees