

REPORT TO DEVELOPMENT CONTROL COMMITTEE



DATE	24th November 2016
PORTFOLIO	Environment
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CONFIRMATION OF TREE PRESERVATION ORDER

PURPOSE

- 1 To seek authority to confirm a Provisional Tree Preservation Order.

SUMMARY OF KEY POINTS

- 2 A Provisional Tree Preservation Order was served in relation to one Beech tree within the grounds of Greenhill Bowling Club, 163 Manchester Road, Burnley. The Council received an application to fell the tree in June 2016 (APP/2016/0282) which is within the Palatine Conservation Area; a Provisional Tree Preservation Order was made as the tree was considered to be of visual amenity value and there appeared to be no adequate justification to fell the tree. The Tree Preservation Order was served on 8th August 2016. The Council has 6 months in which to confirm the Order, modify and confirm the Order, or let the Order lapse.
- 3 A letter of objection has been received to the order (from Mr J Dyer, on behalf of the club) on the grounds that the tree is potentially dangerous, he states that Beech trees can suffer from a number of problems, which may lead to partial or total structural failure and that they can for no apparent reason shed limbs. He also states that the main trunk of the tree is 15 feet from the club building (Grade II Listed) and 21 feet from neighbouring Abbeyfield House and that Beech tree roots do not penetrate deeply into the ground but rely on spreading over a large area. He says that in the case of this tree, because of the proximity of the two buildings the tree will be more reliant on lateral spread along the embankment which means that, if it were to topple, it would most likely fall on the club. He states that the risk is to the building and to people inside the building (including the steward and his wife living at the property). Mr Dyer says that the options are to a) do nothing; b) undertake selective thinning of the crown to lighten it reducing potential risks; or c) fell the tree, removing all risk.
- 4 My Dyer says 'I cannot say with certainty that this tree is safe, even though it might be. I cannot say with certainty that it is dangerous. What I can say with certainty is that it has the potential to be dangerous'. All trees have the potential to be dangerous if they are within falling distance of a target, and you can't say with certainty that a tree is safe, however it is a lot easier to identify whether a tree is

dangerous as there would be signs visible, such as poor shoot growth, sparse canopy, early onset of autumn colour, bleeding cankers on the trunk or fungal fruiting bodies present. Mr Dyer points out that there is 'evidence of active growth and extension' that would suggest that the tree is in a generally healthy condition; root damage or decay would normally lead to poor extension growth.

- 5 Trees lay down reaction wood in order to reduce bending loads and if in a healthy condition and not excessively pruned a tree should easily be able to withstand even severe winds. If necessary the crown of the tree could be thinned slightly in order to reduce excessive wind loading. It is prudent of tree owners to regularly inspect their trees to check for fungi such as Meripilus and Armillaria, which would give an indication that the tree is at increased risk of root failure, and the owners would be carrying out their duty of care by organising regular professional inspections.
- 6 The tree makes a valuable contribution to the visual amenity of the vicinity and its removal would be a loss to the area. There would be no objections to the tree being pruned (for e.g. thinned and any branches close to the building pruned back) should the owners wish to submit an application to carry out work to the tree.

RECOMMENDATION

- 7 That the Tree Preservation Order be confirmed.

REASONS FOR RECOMMENDATION

- 8 In order to protect the tree which contributes to the visual amenity of the area.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

- 9 None

POLICY IMPLICATIONS

- 10 None

DETAILS OF CONSULTATION

- 11 Greenspaces and Amenities – Roger Rawlinson
Governance, Law and Regulation – Jackie Ridgeway

BACKGROUND PAPERS

- 12 File B139 (Y) - The papers are available for inspection at Housing and Development Control, Parker Lane Offices, Burnley (tel 01282 425011 ext. 3293).

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

Housing and Development Control

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