

**TO CONSIDER AN APPLICATION FOR WORKS TO A TREE PROTECTED BY A TREE PRESERVATION ORDER AT HOWBRIDGE HALL ROAD, WITHAM**

**Agenda Item 6**

**Portfolio Area:** Enterprise & Culture  
**Report Presented by:** Abi St.Aubyn, Senior Tree and Landscape Officer

**Background Papers:** Tree Preservation Order 21/01 – T16  
Tree Preservation Order Application  
Letter of 10<sup>th</sup> December from Witham Town Council objecting to the application

**Corporate Implications:** n/a

**Options:** 1) To approve a restricted amount of work to the Oak tree protected by a tree preservation order.  
2) To refuse the application for works to the tree.

**Risks:** Compensation rights could arise if the Council refuses an application for tree work and the tree or a part of it then fails.

### **Executive Summary**

On the 27<sup>th</sup> November 2009 agents on behalf of the owners of an Oak tree growing on land adjacent to the Howbridge Hall Road, Witham applied for permission to crown lift and reduce the spread of the oak tree for routine maintenance.

Witham Town Council objected to this application by way of a letter on 10<sup>th</sup> December, on the grounds of insufficient information regarding the extent of the proposed reduction to the tree. A Council tree officer inspected the tree and found two areas of decay along the trunk and evidence of the crown thinning. Given the condition of the tree and the location near to the road and open space, the recommendation from the tree officer is to consent to a specific amount of works to the tree to reduce the risk of tree failure.

### **Officer Recommendation**

1. To give consent for the following works to the tree: 20% crown reduction, remove deadwood from the crown, provide 1.5m clearance from the overhead wires and crown lift over the open space to achieve a 2.5m clearance from ground level.

### Background

See background papers

### Comments

n/a

<b>Corporate Implications</b>			
<b>Financial:</b>	None		
<b>Legal:</b>	Compensation rights could arise if the Council refuses an application for tree work consent and the tree or a part of it then fails.		
<b>Equalities &amp; Diversity:</b>	None		
<b>Customer Impact:</b>	None		
<b>Environment &amp; Climate Change:</b>	None		
<b>Consultation/Community Engagement:</b>	Local Committees		Partners
	Public		Staff
<b>Key Decision:</b>	No		
<b>Public/Private Report:</b>	Public		
<b>Officer Contact:</b>	Abi St.Aubyn		
<b>Designation:</b>	Senior Tree and Landscape Officer		
<b>Ext No:</b>	2315		
<b>Email:</b>	abist@braintree.gov.uk		

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Your Ref: 09/00299/TPO  
Our Ref: JW/234

10 December 2009



Landscape Services Manager,  
Development Services,  
Braintree District Council,  
Causeway House,  
Bocking End,  
Braintree,  
Essex,  
CM7 9HB.

Dear Sir,

**09/00299/TPO - Shelter Belt of Trees Bordering Howbridge Hall Road, Witham**

Thank you for your letter of 30 November 2009 concerning an application to carry out work to a tree affected by Tree Preservation Order 21/01 at the above location

Members of Witham Town Council recommend refusal of the application on the grounds of insufficient information regarding the extent of the proposed reduction to the tree

Yours faithfully,

Jennifer Weeder (Mrs.)  
Assistant Town Clerk.

**St.Aubyn, Abi**

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**From:** Witham Town Council [office@witham.gov.uk]  
**Sent:** 13 January 2010 13:09  
**To:** St.Aubyn, Abi  
**Subject:** RE: 09/00299/TPO Oak in shelter belt bordering Howbridge Hall Road, Witham

Hello,

Further to your email, I have spoken to the Chairman of the Planning Applications Sub-Committee. He has decided that our original recommendation should stand.

Regards,  
Jennifer Weeder

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**From:** St.Aubyn, Abi [mailto:abist@braintree.gov.uk]  
**Sent:** 11 January 2010 14:49  
**To:** office@witham.gov.uk  
**Cc:** Harvey, Louise; Lester, Stephen  
**Subject:** 09/00299/TPO Oak in shelter belt bordering Howbridge Hall Road, Witham

Dear Ms Weeder,

Thank you for your letter of the 10<sup>th</sup> of December 2009, indicating that the Members of the Witham Town Council recommend refusal of the above application on the grounds of insufficient information regarding the extent of the proposed reduction to the tree.

The works specified within the application "T1 Oak lift the crown and reduce the spread for routine maintenance" is very generic and I agree from this the works do not appear to be justified.

However, I have inspected the tree, and there are two areas of decay along the trunk and the crown does appear to be thinning. Also, there is some deadwood within the crown, and some branches are very close to overhead wires. Given the condition and location of the tree reducing the weight of the crown by a crown reduction, cutting back from the wires and removing deadwood, would probably be reasonable.

The TPO legislation allows for the Council to stipulate the extent of the works, and therefore, the generic application which has been put forward can be focussed on only the works needed. With this in mind, I was hoping to allow the following works:

- 20% crown reduction
- Remove deadwood from the crown.
- Provide 1.5m clearance from over head wires
- Crown lift over the open space to achieve a 2.5m clearance from ground level.

All works to be carried out in accordance with BS 3998:89.

I wondered if it would be possible for your Members to reconsider their objection, given the above information. Should they wish for their objection to remain, then this would need to be discussed formally at the next Committee meeting, otherwise this could be dealt with at officer level, as a delegated decision.

The decision needs to be finalised before the 27<sup>th</sup> January to meet the timescales of the TPO application.

Please let me know if you have any queries, or if you would like to discuss any aspect,

Kind regards,  
Abi