

**DCSE2007/0549/J –PRUNE BACK BRANCHES TO CEDAR TREE EXTENDING OVER THE A40 TO CREATE A MINIMUM CLEARANCE OF 6M OVER THE CARRIAGEWAY AND REDUCE LATERAL SPREAD BY 2 – 3 M. REDUCE LIMB EXTENDING TOWARDS HUNSDEN MANOR GARDENS BY 1 – 2 M. REMOVE DEADWOOD. ALL AT HUNSDEN MANOR, WESTON UNDER PENYARD, ROSS ON WYE.**

**For: Mr. and Mrs. L. Clarke, Hunsden Manor, Gloucester Road, Weston-Under- Penyard, Ross On Wye, Herefordshire, HR9 6PG**

**Date Received 5th February, 2007  
Expiry Date: 2nd April, 2007**

**Ward: Penyard**

**Grid Ref: 63422327**

Local Member: Councillor H. Bramer.

## **1. Site Description and Proposal**

1.1 This relates to a Cedar tree lying immediately to the south east of Hunsden Manor and protected as tree T1 in Hunsden Manor Hotel, Weston Under Penyard Tree Preservation Order 1989. The tree lies between Hunsden Manor and the A40 Gloucester Road and also between the entrance to Hunsden Manor and the access road leading to Hunsden Manor Gardens.

1.2 The proposal seeks:

- Minor pruning works to one branch extending over the A40 to create clearance of 6 metres reducing the lateral spread of growth by 2 – 3 metres;
- Minor works to create the same clearance (6m) for a branch extending over the access to Hunsden Manor Gardens, a small area of housing to the rear of Hunsden Manor, selectively thinning to reduce the general weight of the limb and to reduce spread, in this case by between 1 – 2 metres.
- Deadwooding is also proposed, although this work does not require consent.

1.3 The specification for the works requires them to be carried out in such a manner as to retain the natural 'feathered' appearance of retained foliage and ensure the tree is left with a natural and acceptably well-balance form.

## **2. Policies**

2.1 Herefordshire Unitary Development Plan:  
LA5 – Protection of trees, woodlands and hedgerows

## **3. Planning History**

- 3.1 Planning permission for four houses with garage block and new access to the rear of Hunsden Manor (code SE2002/3900/F) was granted on 20<sup>th</sup> February 2003. Conditions were imposed to protect trees subject to the Tree Preservation Order upon the site together with other trees shown to be retained in a landscaping scheme which was to be prepared.
- 3.2 Permission was granted in January 2004 to remove one Thuya to the rear of Hunsden Manor (Code DCSE2003/3209/J).
- 3.3 Planning Committee refused permission to cut back two cedars (one of which is the subject of the present application) to create a minimum clearance of 5 metres over the access and adjacent to the A40 in November 2004 (Code DCSE2003/3510/J)

#### **4. Representations**

- 4.1 The applicant's arboricultural consultant has provided a report in relation to the tree concerned. This points out that recent high winds caused the tree to lose a significant limb from the western quarter of the tree's upper crown and that further breakage cannot entirely be ruled out. However there are limited opportunities for significant damage to be caused because of the tree's position. The limb extending over the access to the small area of housing does show some signs of bark disruption and it is suspected that there are zones of dead tissue there. Nevertheless the risk of the branch failing completely is slight, although the possibility of secondary lateral shoots breaking away from the tip cannot be excluded. There will therefore be some slight risk to third parties. With regard to the material overhanging the A40 the Highways Agency has issued a notice requiring adequate clearance to be maintained over the carriageway and that the tree be made safe for users of the public highway.
- 4.2 The Highways Agency, through their agents InterRoute have advised the owners of Hunsden Manor that the tree in question presents a potential hazard to highway users and that in the event of the tree/branches falling on to the highway it is likely that the owners will be held responsible for claims arising from damage or injuries that this may cause. They require the overhang to be removed to be 6m (20 feet) above the carriageway and reduced back to the kerb line. They also require detailed inspection of the tree by a competent person in order to make safe for users of the public highway.
- 4.3 Weston Under Penyard Parish Council comment: "Council agree to the work on A40 but do not consider any other work necessary except deadwood."

#### **5. Officer Appraisal**

- 5.1 The Council's arboricultural consultant has assessed the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and then considered whether the proposal is justified, having regard to the reasons put forward to support the works.
- 5.2 With regard to the branch over the A40 there is a statutory requirement to maintain adequate clearance above a public highway. This is usually considered to be 5.5m. However some provision for growth should be made. The proposed works are considered reasonable and a very sympathetic approach to achieve the objective with minimal loss of amenity. It is suggested that tree ranging poles be used during

pruning operations to clearly identify the 6m clearance height over the carriageway and to avoid errors or confusion.

- 5.3 The proposal for the branch extending towards Hunsden Manor Gardens is to carefully reduce the weight of the branch so that it is less likely to fail in adverse weather conditions. The agent's assessment of risk is considered reasonable. Should the works not be undertaken and the secondary branch identified by the agent fail then this would be detrimental to the tree's amenity value. Hence the proposed works are considered formative pruning, timely and therefore in the interest of good arboricultural practice for a non-native tree. Again the use of ranging poles is recommended for the reasons already explained.
- 5.4 In conclusion the tree is of outstanding amenity visual amenity and of local importance to the community. The likely impact of the minor works will not detrimentally affect but potentially safeguard its long-term amenity value. The proposed works are justified on arboricultural grounds.

### RECOMMENDATIONS

**It is recommended that Consent be GRANTED for works to the tree covered by a Tree Preservation Order subject to the following conditions:**

1. **The works hereby approved shall be limited to the two branches specified in the application such as to raise the crown to no more than 6m above ground level. The lateral spread of the branch extending over the A40 should be reduced by no more than 3m and that of the branch extending towards Hunsden Manor Gardens by no more than 2m by the removal of secondary lateral branches.**

**Reason: For the avoidance of doubt.**

2. **Ten clear working days notice of commencement of the tree works hereby authorised shall be given in writing to the local planning authority (LPA) and access during works shall be afforded to the LPA's representative to undertake an arboricultural watching and advisory brief.**

**Reason: To ensure works are carried out in accordance with the consent.**

3. **The works hereby approved shall be carried out in accordance with BS 3998: 1989**

**Reason: To ensure the works are carried out in accordance with good arboricultural practice and maintain the visual quality of the site and surrounding area.**

4. **The works must be begun not later than the expiration of two years from the date of this permission.**

**Reason: To ensure the that works hereby approved are appropriate to the specific application for which they were approved, in view of the likely growth of the tree in question.**

**Background Papers**

1. Tree Preservation Orders – a Guide to the Law and Good Practice (DETR, March 2000)
2. BS 3998:1989 – Tree Works