

# CARLISLE CITY COUNCIL

**Report to:-** Development Control Committee

**Date of Meeting:-** 10 July 2009

**Agenda Item No:-**  
**DS. 49/09**

Public	Policy	Delegated: Yes	
<hr/>			
<b>Accompanying Comments and Statements</b>		<b>Required</b>	<b>Included</b>
Environmental Impact Statement:		No	No
Corporate Management Team Comments:		No	No
Financial Comments:		No	No
Legal Comments:		No	No
Personnel Comments:		No	No

**Title:-** PROPOSED TREE PRESERVATION ORDER NO. 241 THE  
READING ROOMS, HAYTON, CARLISLE, CUMBRIA

**Report of:-** Director of Development Services

**Report reference:-** DS.49/09

## **Summary:-**

A Tree Preservation Order was made on the 27 April 2009 to protect one Beech tree at The Reading Rooms, Hayton, Carlisle. The report considers objections to the order and concludes that the order should be confirmed without modification.

## **Recommendation:-**

It is recommended that Tree Preservation Order 241 is confirmed without modification.

**Alan Eales**

Head of Planning and Housing Services

**Contact Officer:** Charles Bennett

**Ext:** 7535

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Tree Preservation Orders: A Guide to the Law and Good Practice

**1.0 Background**

- 1.1 The Town and Country Planning Act 1990, Section 198 provides that Local Planning Authorities may make a Tree Preservation Order (TPO) if it appears to them to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area". The Department of Environment Transport and the Regions document, "Tree Preservation Orders A Guide to the Law and Good Practice" advises that "Tree Preservation Orders should be used to protect selected trees and woodland if their removal would have a significant local impact on the environment and its enjoyment by the public".
- 1.2 A local resident contacted the Local Plans and Conservation Section to voice their concerns over the potential loss of a Beech tree adjacent the Reading Rooms Hayton due to the possible development of the site to provide an extension to the existing building.
- 1.3 A site visit was carried out and the tree was assessed using the Tree Evaluation Method for Preservation Orders (TEMPO)
- 1.4 Tree Preservation Order 241 The Reading Rooms, Hayton, Carlisle was duly made to protect the Beech tree.
- 1.5 A copy of the Tree Preservation Order plan showing the location of the Beech tree and the Statement of Reasons for the making of Tree Preservation Order 241 is attached hereto at Appendix 1.
- 1.7 A round robin letter was circulated around the Village giving residents the opportunity to either support or object to the Tree Preservation Order by forwarding the letter to the City Council. Nineteen round robins were received by the City Council in favour of, and six opposed to the Tree Preservation Order, one of which was signed by two sets of people.
- 1.8 Of those who objected two provided addresses and these people were invited to provide further details of their objections.
- 1.9 Two further letters of objection were also received.

1.10 The following individuals made valid objections to Tree Preservation Order 241.

- ♦ Mr Haynes
- ♦ Mrs Haynes
- ♦ Mr Cain
- ♦ Ms Kyle
- ♦ Dr & Mrs Chatterjee

1.11 The letters of objection and Officers reply are attached hereto at Appendix 2.

## **2.0 The Tree's Amenity Value**

2.1 The tree was assessed using the TEMPO system that allocates scores based on the criteria that would make a tree worthy of protection as set out in Tree Preservation Orders A Guide to the Law and Good Practice.

2.2 The tree scored 20, a score of 15+ indicating that a tree definitely merits protection.

## **3.0 Summary of Objections to Tree Preservation Order 241**

3.1 The following objections have been made to the Tree Preservation Order:

- (i) The roots from the tree are damaging the Reading Rooms foundations and drains; and
- (ii) the confirmation of the Tree Preservation Order will prevent the building of the extension; and
- (iii) the tree has limited public visibility; and
- (iv) the tree was not planted to commemorate the Queens Silver Jubilee; and
- (v) the tree sheds leaves onto and shades the playground; and
- (vi) is too close to the adjacent property; and
- (vii) is not a native tree; and
- (viii) will be too expensive to remove once it has grown larger and poses a danger due to falling branches.

3.2 Other objections raised regarding loss of trade and property value should the extension be built are not valid objections to the Tree Preservation Order and have not been considered further.

- 3.2 In considering the above objections Officers have the following comments to make:
- (i) No evidence has been provided to implicate the tree in either the damage to the reading rooms, or drains.
  - (ii) Trees protected or otherwise are material planning considerations. The presence of a tree will not necessarily prevent the granting of planning consent and is just one of many factors that have to be weighed when determining a planning application.
  - (iii) The tree is clearly visible to the public, being adjacent the road through Hayton, and will increase in prominence as it grows and matures.
  - (iv) Officers were informed by local residents that the tree was planted to celebrate Queen Elizabeth II Silver Jubilee.
  - (v) There is no right of light to outside areas including playgrounds. The shade provided by the tree on sunny days should not be under valued as it provides a cooler area out of direct harmful sunlight. Whilst the clearing up of leaves may be considered a chore, the shedding of leaves by deciduous trees is part of their life cycle and clearing up the leaves part and parcel of the good maintenance of the playground. It should be noted that the removal of the Beech tree will not reduce shading or leaf debris as there are a number of other trees and bushes in close proximity to the playground.
  - (vi) The tree is approximately 25m south of the nearest dwelling, and at such a distance would not have any adverse effect on the living conditions of the residents.
  - (vii) Beech trees are native to England, although their natural range does not extend as far north as Carlisle. However, Beech trees grow well in the area and climate change will favour the conditions Beech trees require.
  - (viii) The cost of removing the tree should be considered at the time it needs to be removed. Such future costs are part of tree ownership and management responsibilities. Owners of trees have a duty of care to ensure that their tree or part thereof does not pose a foreseeable risk of failure and thereby cause damage to people or property. Owners should inspect their trees regularly and take whatever action is required to reduce foreseeable risks to an acceptable level. Whilst the existence of the Tree Preservation Order may require an application to the Local Authority to carry out remedial works to the tree, it is unlikely that such an application would be refused.

**To the Chairman and Members of the  
Development Control Committee**

**DS. 49/09**

**4.0 Conclusion**

- 4.1 Whilst it is accepted that in the future it may be necessary to consider works to the Beech tree the Order does not prevent reasonable management, albeit that the prior consent of the Local Planning Authority is required.
- 4.2 Having duly considered the objections and having weighed these objections against the present and future amenity value of the tree it is considered that the tree provides a reasonable level of public amenity and therefore merits the protection afforded by a Tree Preservation Order.

**5.0 Recommendation**

- 5.1 It is recommended that Tree Preservation Order 241 is confirmed without modification.

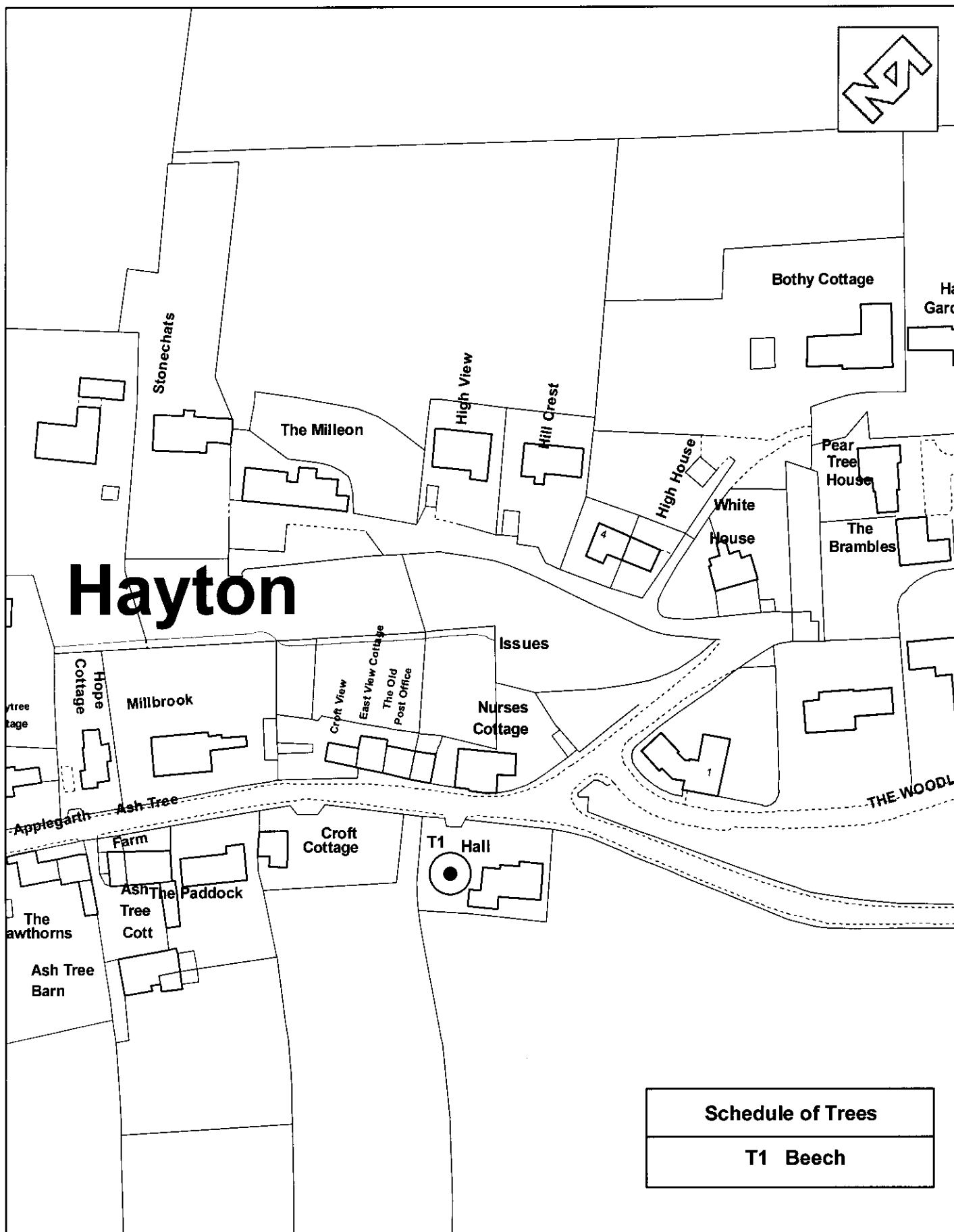
**Alan Eales**

Head of Planning and Housing Services

**Contact Officer:** Charles Bennett

**Ext:** 7535

**Tree Preservation Order 241 Plan  
and  
Statement of Reasons**



Town and Country Planning Act 1990 Sections 198(1) and 201

**Tree Preservation Order Number 241**  
**Reading Room, (Memorial Hall), Hayton, Carlisle**

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 Carlisle City Council LA 0100024459. 2009

Date: 9 April 2009 1:1,250 [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Planning & Housing Services, Civic Centre, Carlisle, CA3 8QG



# **TREE PRESERVATION ORDER No. TPO 241**

## **HAYTON MEMORIAL HALL, HAYTON, CARLISLE**

### **STATEMENT OF REASONS**

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The Beech tree was planted in 1977 by the local community to commemorate Queen Elizabeth 2<sup>nd</sup> Silver Jubilee. By virtue of its form and size it is clearly visible from the road and in a prominent location at the side of the Memorial Hall. The tree is considered to be of significant visual amenity, cultural, and landscape value to the locality and, is potentially under threat of removal to the detriment of the character of the area and its enjoyment by the public.



**Objections to the making of Tree Preservation Order 241  
and  
Officers Reply**

## Charles Bennett

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**From:** Charles Bennett  
**Sent:** 28 May 2009 12:00  
**To:**  
**Cc:** Sheila Davison  
**Subject:** RE: Objection to tree preservation order 241 Hayton

Dear Dr. Jyotirup Chatterjee & Mrs PaulineChatterjee

I refer to your e-mail objecting to Tree preservation Order 241 Hayton.

The assessment of trees for their suitability for protection by means of a Tree Preservation Order should be carried out in a consistent manner and take account of the amenity of the tree and the expediency of protecting the tree. The tree was assessed using the Tree Evaluation Method for Preservation Orders, a system widely used and designed for the purpose. The tree scored highly indicating it worthy of protection. Tree Preservation Orders a Guide to the Law and Good Practice advises that trees should normally be visible from a public place, and this is the basis for the term amenity, and this tree is clearly visible from the road.

It is not unusual when structural problems occur in buildings to point the finger of blame at the most obvious and visible thing around, the tree. However, I consider that it is unlikely that the foundations are being damaged for the following reasons.

1. The structure of the Reading Rooms is too large and distant from the tree to be affected by direct damage.
2. It is unlikely that the tree is causing subsidence as this is a problem of shrinkable clay soils not the sandy soils of this area, and in areas of lower annual rainfall resulting in soil desiccation and shrinkage. Furthermore, no actual evidence has been supplied to show that the tree or its roots are damaging the foundations of the Reading Rooms.

Councils have a duty to ensure that trees receive protection where they are under threat and their loss would have a detrimental impact on the amenity of the location. Trees and hedges are material considerations in the planning application decision making process, whether or not they are protected, and at the time an application to extend the Reading Rooms is made the tree and hedges would always have to have been taken into account.

During the planning application decision making process the merits of the tree will be one element in the evidence, both for and against the proposal that have to be weighed to come to a balanced decision. The existence of a tree, even a protected tree will not necessarily prevent a planning proposal succeeding. Should permission be granted for the extension of the Reading Rooms as per the existing drawings the tree would have to be removed to implement the development, and the Tree Preservation Order would not prevent this.

I hope that I have been able to address your concerns regarding the Tree Preservation Order and you are able to withdraw your objections.

Yours sincerely  
Charles Bennett

Charles Bennett  
Landscape Architect/Tree Officer  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

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-----Original Message-----

From: pmchatterjee@tiscali.co.uk [mailto:pmchatterjee@tiscali.co.uk]  
Sent: 23 May 2009 17:13

To: Charles Bennett  
Subject: Objection to tree preservation order 241 Hayton

Dear Mr Bennett,

We received your letter(CB/TPO 241) on Saturday 23rd May 09. As there is no certainty of our reply reaching you by 26th May over this Bank Holiday, we apologise for having to answer your letter by Email. We object to the tree preservation order for the following reasons:- 1. The copper beech, although a valuable old tree, is relatively invisible to the passers by because of its hidden position. Moreover its long roots are going under the Reading Room building threatening the building's viability. 2. An extension to the Reading Room can only be carried out if the tree is removed. The extension will provide a meeting place for the Women's Institute and for any other meeting the village wishes to have. It will certainly provide a very covetable amenity to the village in general. We therefore strongly feel that if there were a choice whether the Reading Room with its extension be sacrificed or the copper beech, we would rather sacrifice the tree. Hope this will meet your favourable attention. Thanking you,

Yours sincerely,

Dated. 23rd May

09

Dr. Jyotirup Chatterjee & Mrs Pauline Chatterjee

Underwood, Townhead, Hayton, Brampton, CA8 9JF

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<http://www.star.net.uk>

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Think before you print. In the interests of saving paper, only print this e-mail if really necessary.

Harry Cain  
Chairman of Hayton Reading Room Management Committee  
Geltside Lodge  
Brampton  
Cumbria  
CA8 1SZ  
Tel: 0169773625  
21 May 2009

J M Egan  
Director of Legal & Democratic Services  
Civic Centre  
Carlisle CA3 8QG

LEGAL & DEMOCRATIC SERVICES	
FILE	
28 MAY 2009 R/R	
PASSED	
APPROVED	
MAILED	✓

Dear Sir,

RE: TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999  
TREE PRESERVATION ORDER: THE CITY OF CARLISLE (THE READING  
ROOM, HAYTON, CARLISLE, CUMBRIA)  
TREE PRESERVATION ORDER 2009 NO. 241

I wish to object to the above Tree Preservation Order in my capacity as  
Chairman of the Reading Room Committee.

With reference to the Statement Of Reasons please note that:

1. Cultural Value of the tree

Hayton Women's Institute sold their hall in Hayton and will hold all future meetings at the Reading Room. The W I intends to gift an extension to the Reading Room from the proceeds of the sale of their hall.  
The tree needs to be felled if the extension is to go ahead.  
This proposed extension has proved controversial but I believe that such an extension to the Reading Room would be a tremendous asset to the community and life of the parish.

2. It being a Commemorative Tree - I can find no documentation to it being planted to commemorate the Queen Elizabeth 2<sup>nd</sup> Silver Jubilee in 1977 and it bears no commemorative plaque.  
Serving members of the committee have no recollection of the tree being planted then or to commemorate anything else.  
If it had been planted at the Queens Silver Jubilee it would make its age around 32 years but a qualified arboriculturist puts its age at between 60 and 100 years old

3. There is a significant crack in the Reading Room wall nearest to the tree  
At a meeting of the Lamb Memorial Reading Room Committee on 6 July 1993 when discussing a small extension to the Reading Room recently completed the builders reported that the tree was causing structural

damage to it. It was resolved in 1993 that the tree would be cut down.

The signed minute reads:

*Minute No 5. Tree. An item in the bill of quantities provided for a sum of £500 to protect the roots of the tree adjacent, the parish council had considered this and agreed that the tree should be felled. Mr. Jeffrey had offered to do this without cost to the Council. This proposal was agreed by the Committee. See Appendix 1*

Unfortunately I can offer no explanation as to why the tree remains standing other than that there has been a constant change in members of the Management Committee over the years since 1993.

I have inspected the tree recently and the crack in the Reading Room is giving me concern.

4. There is a Children's Activity Playground under the crown of the tree

This is the only toddlers playground in Hayton and the surrounding area. This means that the natural light is limited in the summer and in autumn and winter the leaves fall on the rubber safety surface.

A recent inspection has shown that the surface is extremely slippery. If the TPO is granted it may mean that the play equipment and safety surface may need to be dismantled and re positioned and as the tree grows bigger. The cost of doing this may be prohibitive so the playground would then be lost to the children of the playgroup and the children of parish.

5. Visual Amenity –There are many other large trees in the area which I consider reduces its desirability for a TPO order.

**I would also like to exercise my right to speak at the Development Control Committee and I would be obliged if you can make the necessary arrangements**

Yours sincerely,

Harry Cain,  
Chairman of Hayton Reading Room Management Committee.

## Development Services

### Planning and Housing Services

Head of Planning and Housing: **A C Eales** Dip.TP MRTPI

**Civic Centre • Carlisle • CA3 8QG**

Phone (01228)817000 • Fax **Planning** (01228)817199 **Housing** (01228)817346 • Typetalk 18001 (01228)817193

E-mail Development Control: dc@carlisle.gov.uk • Local Plans & Conservation: lpc@carlisle.gov.uk • Housing: housing@carlisle.gov.uk

F

Mr Cain  
Chairman of Hayton Reading Room  
Management Committee  
Geltside Lodge  
Brampton  
Cumbria  
CA8 1SZ

Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Charles Bennett

CB/TPO 241

28 May 2009

Dear Mr Cain

### **OBJECTION TO TREE PRESERVATION ORDER 241** **READING ROOMS MEMORIAL HALL, BRAMPTON**

I refer to your letter dated 21 May 2009 concerning your objections to Tree Preservation Order 241 and I wish to address your concerns.

Councils have a duty to ensure that trees receive protection where they are under threat and their loss would have a detrimental impact on the amenity of the location. Trees and hedges are material considerations in the planning application decision making process, whether or not they are protected, and at the time an application to extend the Reading Rooms is made the tree and hedges would always have to have been taken into account.

During the planning application decision making process the merits of the tree will be one element in the evidence, both for and against the proposal that have to be weighed to come to a balanced decision. The existence of a tree, even a protected tree will not necessarily prevent a planning proposal succeeding. Should permission be granted for the extension of the Reading Rooms as per the existing drawings the tree would have to be removed to implement the development, and the Tree Preservation Order would not prevent this.

Whilst considering the making of the Tree Preservation Order I was informed by a Member of the community that the tree has been planted to commemorate Queen Elizabeth 2<sup>nd</sup> Silver Jubilee and had no reason to doubt the information. Estimating the age of a tree is not an exact science, the only realistic way being to fell the tree and count the annual growth rings. I remain of the opinion that the tree is more of an age commensurate with being planted in 1977 than a century ago.



INVESTOR IN PEOPLE

It is not unusual when structural problems occur in buildings to point the finger of blame at the most obvious and visible thing around, the tree. However, I consider that it is unlikely that the foundations are being damaged for the following reasons.

1. The structure of the Reading Rooms is too large and distant from the tree to be affected by direct damage.
2. It is unlikely that the tree is causing subsidence as this is a problem of shrinkable clay soils not the sandy soils of this area, and in areas of lower annual rainfall resulting in soil desiccation and shrinkage.

Furthermore, no actual evidence has been supplied to show that the tree or its roots are damaging the foundations of the Reading Rooms.

Trees provide many advantages to the community including providing shade. This is a particular advantage in the summer months especially in a location close to a play ground where children can shelter from the harmful direct rays of the sun without having to be segregated away from their friends by being sent inside. Trees can also be used as an outdoor classroom helping to educating the children about the environment, after all who doesn't like to sit under a shady tree on a summer afternoon.

Deciduous trees such as Beech shed their leaves in the autumn. This may be a bit of a nuisance at the time but is part and parcel of the natural cycle, and clearing up the leaves is general maintenance.

Checking the safety of the play area and equipment is part of your responsibility in discharging your duty of care to those who use the playground and equipment. Carrying out maintenance to make sure that the equipment and surface are safe and fit for purpose is also part of that duty of care, and comes with having the equipment in the first instance. Removal of the tree will not remove your duty of care to ensure that the equipment is safe for use, or the need to maintain it. To date the existence of the tree has not prevented the safe use of the playground or equipment nor its proper maintenance.

The assessment of trees for their suitability for protection by means of a Tree Preservation Order should be carried out in a consistent manner and take account of the amenity of the tree and the expediency of protecting the tree. The tree was assessed using the Tree Evaluation Method for Preservation Orders, a system widely used and designed for the purpose. The tree scored highly indicating it worthy of protection. The presence of other trees in the area does not significantly detract from the value of this tree. Tree Preservation Orders a Guide to the Law and Good Practice advises that trees should normally be visible from a public place, and this is the basis for the term amenity, and this tree is clearly visible to the public.

I hope that I have been able to address your concerns regarding the Tree Preservation Order and you are able to withdraw your objections.

A copy of the "Right to Speak" policy is incorporated as an appendix to this letter and is also available on the City Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk). You will note from the details provided that you are entitled to address the Committee for a maximum of three minutes, though you must confine your comments to relevant matters.

It is my intention to place this item before the Development Control Committee at its meeting on the 10<sup>th</sup> July 2009. The Committee meets in the Council Chamber at the Civic Centre, Rickergate, Carlisle, CA3 8QG and the meeting commences at 10:00am. Unless you indicate otherwise, you will be expected to attend the meeting and the Report on the Tree Preservation Order will be listed in the Agenda to be discussed at the Committee with similar applications where the "Right to Speak" will be exercised.

If you are unclear about the arrangements or wish to clarify any aspect of the application and its details, please contact the Case Officer whose name and telephone number appears at the top of this letter.

Yours sincerely

**C Bennett**

Landscape Architect/Tree Officer



**C.J.Haynes**  
**Townhead Cottage**  
**Hayton**  
**BRAMPTON**  
**CA8 9JQ**

Charles Bennett, Esq., (Tree Officer)  
 Carlisle City Council  
 CARLISLE  
 CA3 8QG

24<sup>th</sup> May 2009

Dear Mr Bennett,

PLANNING & HOUSING SERVICES	
REF	TPO 241
26 MAY 2009	
RECORDED	CN
SCANNED	
PASSED TO	CB
ACTION	

**OBJECTION TO TREE PRESERVATION ORDER 241 HAYTON**  
**Ref:- CB/TPO 241**

I wish to object to the proposed tree preservation order in respect of the copper beech tree in the approaches to the Reading Room at Hayton as follows:-

- The Womens Institute hall was condemned, sold and demolished, the site partly occupied by this tree is needed to extend the reading room in order to provide the village with a much needed community facility for meetings, funeral teas and small social events, the cost to be paid for by the WI
- The presence of this tree is blocking this proposed new facility
- The tree will grow to a huge size and will soon be too big and expensive to remove
- Its roots are already beginning to damage the foundations and drains of the reading room
- When fully mature it will become a danger to the children of the playgroup, I have had four beech trees in and around my own property break off or shed limbs in recent years.
- I consider that the proposers/supporters of the TPO have a vexatious interest in blocking the extension of the reading room:-
  1. a neighbour concerned that building work will delay the sale of their property
  2. local publican concerned that there may be some loss of party trade when reading room facilities extended
  3. opposition from some members of the parish council representing the Warwick Bridge area who may be worried that an improved facility in Hayton may draw trade away from the Downagate Centre ( Hayton people do not use Downagate anyway )

I urge the committee to reject this application in view of its antisocial nature.  
 Yours sincerely

C.J.Haynes

PLANNING & HOUSING SERVICES	
REF	
28 MAY 2009	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

Mr Haynes  
Townhead Cottage  
Hayton  
Brampton  
CA8 9JQ

Please ask for:  
Direct Line:  
E-mail:  
Your ref:  
Our ref:

Charles Bennett

CB/TPO 241

27 May 2009

Dear Mr Haynes

**OBJECTION TO TREE PRESERVATION ORDER 241**  
**READING ROOMS MEMORIAL HALL, BRAMPTON**

I refer to your letter dated 24 May 2009 concerning your objections to Tree Preservation Order 241 and I wish to address your concerns.

Councils have a duty to ensure that trees receive protection where they are under threat and their loss would have a detrimental impact on the amenity of the location. Trees and hedges are material considerations in the planning application decision making process, whether or not they are protected, and at the time an application to extend the Reading Rooms is made the tree and hedges would always have to have been taken into account.

During the planning application decision making process the merits of the tree will be one element in the evidence, both for and against the proposal that have to be weighed to come to a balanced decision. The existence of a tree, even a protected tree will not necessarily prevent a planning proposal succeeding. Should permission be granted for the extension of the Reading Rooms as per the existing drawings the tree would have to be removed to implement the development, and the Tree Preservation Order would not prevent this.

Beech trees do grow to a large size. That is in part what gives them their value in the landscape. However, removal of the tree is not necessary on the basis that it will grow large. Many trees grow to large sizes and removal of all potentially large growing trees will result in a poorer landscape and reduced bio-diversity to the detriment of the community as a whole.



INVESTOR IN PEOPLE

No evidence has been supplied to show that the roots are damaging the foundations of the Reading Rooms or drains. However, I consider that it is unlikely that the foundations are being damaged for the following reasons.

1. The structure of the Reading Rooms is too large and distant from the tree to be affected by direct damage.
2. It is unlikely that the tree is causing subsidence as this is a problem of shrinkable clay soils not the sandy soils of this area, and lower annual rainfall resulting in soil desiccation and shrinkage.

Except due to direct damage where drains are located immediately adjacent a tree, trees do not directly damage drains by root invasion. Where drains are already damaged the tree will take advantage of the water and nutrients therein, but the drains must be damaged in the first place.

Trees are not fundamentally dangerous due to their size. But as living and growing organisms trees can develop defects that can result in branch or whole tree failure. Where defects occur these are usually readily visible, and a tree preservation order would not prevent any necessary works to remediate the defect, albeit an application must be made to the Council to carry out works to the tree if it is protected.

Tree owners should readily inspect their trees and where necessary carry out any works necessary to ensure that injury to people and damage to property is as far as reasonably foreseeable prevented.

Unfortunately I am unable to comment on the reasons why some members of the community support the Tree Preservation Order.

I hope that I have been able to address your concerns regarding the Tree Preservation Order and you are able to withdraw your objections.

Yours sincerely

**C Bennett**

Landscape Architect/Tree Officer

LEGAL SERVICES	
FILE	
28 MAY 2009	
PASSED TO	
ANSWERED	
MAIL LOG	

J.M. Egan  
 Director of Legal & Democratic Services  
 Civic Centre,  
 Carlisle.  
 CA3 8DG.

Geltside  
 Brampton  
 Cumbria

CA8 1TA

21<sup>st</sup> May 2009.

Dear Sir,

Re: Town & Country Planning Act 1990  
 Town & Country Planning (Trees) Regulations 1999  
 Tree Preservation Order: The City of Carlisle  
 (Reading Room Hayton, Carlisle, Cumbria)  
 Tree Preservation Order 2009 No 241.

I wish to object to the above Tree Preservation Order.

I am joint secretary for Hayton WI and the WI have offered to fund an extension to Hayton Reading Room from the proceeds of the sale of their building at the other end of the village. I feel that this extension can be of great benefit to the community in the Parish of Hayton.

It seems that the TPO on a tree in the grounds of the Reading Room may prevent this from happening.

I personally think that such an extension would be a great asset to the parish and it would be a shame if the extension to the Reading Room at Hayton was prevented by such an order being implemented.

Yours faithfully  
 James Faithfull

**Development Services**

**Planning and Housing Services**

Head of Planning and Housing: **A C Eales** Dip.TP MRTPI

**Civic Centre • Carlisle • CA3 8QG**

Phone (01228)817000 • Fax **Planning** (01228)817199 **Housing** (01228)817346 • Typetalk 18001 (01228)817193

E-mail Development Control: dc@carlisle.gov.uk • Local Plans & Conservation: lpc@carlisle.gov.uk • Housing: housing@carlisle.gov.uk

F

Ms Kyle  
Geltside  
Brampton  
Cumbria  
CA8 1TA

**Please ask for:**

**Direct Line:**

**E-mail:**

**Your ref:**

**Our ref:**

**Charles Bennett**

**CB/TPO 241**

**28 May 2009**

Dear Ms Kyle

**OBJECTION TO TREE PRESERVATION ORDER 241**  
**READING ROOMS MEMORIAL HALL, BRAMPTON**

I refer to your letter dated 21 May 2009 concerning your objections to Tree Preservation Order 241 and I wish to address your concerns.

Councils have a duty to ensure that trees receive protection where they are under threat and their loss would have a detrimental impact on the amenity of the location. Trees and hedges are material considerations in the planning application decision making process, whether or not they are protected, and at the time an application to extend the Reading Rooms is made the tree and hedges would always have to have been taken into account.

During the planning application decision making process the merits of the tree will be one element in the evidence, both for and against the proposal that have to be weighed to come to a balanced decision. The existence of a tree, even a protected tree will not necessarily prevent a planning proposal succeeding. Should permission be granted for the extension of the Reading Rooms as per the existing drawings the tree would have to be removed to implement the development, and the Tree Preservation Order would not prevent this.

I hope that I have been able to address your concerns regarding the Tree Preservation Order and you are able to withdraw your objections.

Yours sincerely

**C Bennett**

Landscape Architect/Tree Officer



INVESTOR IN PEOPLE

Mrs P.Haynes  
Townhead Cottage  
Hayton  
BRAMPTON  
CA8 9JQ

Charles Bennett, Esq., (Tree Officer)  
Planning & Housing Services  
Carlisle City Council  
Civic Centre  
CARLISLE  
CA3 8QG

24<sup>th</sup> May 2009

PLANNING & HOUSING SERVICES	
REF	TPO 241
26 MAY 2009	
RECORDED	CN
SCANNED	
FORWARDED TO	CR
ACTION	

Dear Mr Bennett,

**OBJECTION TO TREE PRESERVATION ORDER 241 HAYTON**  
**Ref:- CB/TPO 241**

I wish to object to the proposed tree preservation order in respect of the copper beech tree in the approaches to the Reading Room at Hayton as follows:-

1. its presence blocks the proposed provision of a much needed extension to the reading room facilities
2. it is poorly sited in relation to the adjacent property
3. it will soon be too big and shade out adjacent property
4. the roots are already starting to undermine the foundations and drains of the reading room
5. it is not a native tree
6. I believe the application for a preservation order is motivated by a desire by certain parties to block the extension to the reading room and has nothing to do with any care for trees.

I urge the committee to reject this application in view of its antisocial nature.

Yours sincerely,

Pamela Haynes



## Development Services

### Planning and Housing Services

Head of Planning and Housing: A C Eales Dip.TP MRTPI

Civic Centre • Carlisle • CA3 8QG

Phone (01228)817000 • Fax Planning (01228)817199 Housing (01228)817346 • Typetalk 18001 (01228)817193

E-mail Development Control: dc@carlisle.gov.uk • Local Plans & Conservation: lpc@carlisle.gov.uk • Housing: housing@carlisle.gov.uk

F

Mrs Haynes  
Townhead Cottage  
Hayton  
Brampton  
CA8 9JQ

Please ask for:

Direct Line:

E-mail:

Your ref:

Our ref:

Charles Bennett

CB/TPO 241

28 May 2009

Dear Mrs Haynes

### **OBJECTION TO TREE PRESERVATION ORDER 241** **READING ROOMS MEMORIAL HALL, BRAMPTON**

I refer to your letter dated 24 May 2009 concerning your objections to Tree Preservation Order 241 and I wish to address your concerns.

Councils have a duty to ensure that trees receive protection where they are under threat and their loss would have a detrimental impact on the amenity of the location. Trees and hedges are material considerations in the planning application decision making process, whether or not they are protected, and at the time an application to extend the Reading Rooms is made the tree and hedges would always have to have been taken into account.

During the planning application decision making process the merits of the tree will be one element in the evidence, both for and against the proposal that have to be weighed to come to a balanced decision. The existence of a tree, even a protected tree will not necessarily prevent a planning proposal succeeding. Should permission be granted for the extension of the Reading Rooms as per the existing drawings the tree would have to be removed to implement the development, and the Tree Preservation Order would not prevent this.

The tree is more than 40m away from the nearest dwelling house and would have no significant effect on the living conditions at this property. Whilst it is closer to the Reading Rooms approximately 8m away the Reading Rooms are not a dwelling and their use is only occasional so the presence of the tree would not have any effect on their reasonable use.



INVESTOR IN PEOPLE

No evidence has been supplied to show that the roots are damaging the foundations of the Reading Rooms or drains. However, I consider that it is unlikely that the foundations are being damaged for the following reasons.

1. The structure of the Reading Rooms is too large and distant from the tree to be affected by direct damage.
2. It is unlikely that the tree is causing subsidence as this is a problem of shrinkable clay soils not the sandy soils of this area, and lower annual rainfall resulting in soil desiccation and shrinkage.

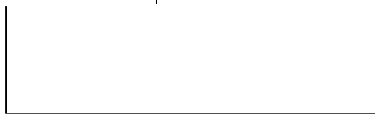
Except due to direct damage where drains are located immediately adjacent a tree, trees do not directly damage drains by root invasion. Where drains are already damaged the tree will take advantage of the water and nutrients therein, but the drains must be damaged in the first place.

Beech trees are native to this Country, but their natural range does not extend as far as Cumbria. However, the climate and soil conditions are such that Beech trees thrive here as is evidenced by the many large and impressive specimens that can be seen in this area.

Unfortunately I am unable to comment on the motivations and desires of some members of the community who support the Tree Preservation Order.

I hope that I have been able to address your concerns regarding the Tree Preservation Order and you are able to withdraw your objections.

Yours sincerely



**C Bennett**

Landscape Architect/Tree Officer