

Planning Committee: 18 July 2017

Item Number: 12

Application No: TPO 524

Registration Date:

Town/Parish Council: Beausale, Haseley,
Honiley and Wroxall Joint Parish
Council

Expiry Date:

Case Officer: Rajinder Lalli

Land known as Robindale, Honiley, CV8 1NP
Confirmation of Provisional Tree Preservation Order relating to an Oak Tree

This Tree Preservation Order (TPO) is being presented to Committee because objections have been received to it being confirmed

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 524 without modification.

BACKGROUND

A notification was received 2nd May 2017 from the Parish Council that a substantial Oak tree was being felled. Officers produced and served an urgent Provisional TPO to prevent its felling, although works to dismantle the crown had already begun.

ASSESSMENT

The Oak tree is located in a plot of land known as Robindale to the rear corner where the eastern boundary meets Ferndale, Honiley.

The Oak is a substantial tree of good health and is expected to have a life retention span of more than 100 years. It contributes significantly to the character of the surrounding landscape and therefore has a high amenity value.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 24, the TEMPO assessment decision guide shows scores of 12-15 are considered to be defensible and a score of 18 or above is considered to definitely merit TPO (if in either case there are no other mitigating circumstances).

It should be noted the TEMPO assessment had been carried out after work to dismantle the crown had already commenced.

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

OBJECTIONS

The Council have received 2 letters of objections to the making of the Order. In summary the objections are:-

1. There is a split up the tree (up to 30cms in places) running right up the tree to its Eastern side
2. Split running up to West side of the tree running up the tree where the crown is dead
3. Danger of falling branches
4. Ivy growth shows it is decaying
5. An expert had seen the tree and advised it was dangerous and should be removed
6. Neighbours have threatened legal action if damage is caused to property
7. The tree has lost its amenity value since work had already started to dismantle the crown
8. The tree is now unbalanced and requires urgent attention

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the tree is of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the tree outweighs any private inconvenience experienced by individuals because of the tree.

The Oak is considered to be of significant amenity value within the surrounding area.

In response to the objections raised:-

The Council does accept the Oak carried some dead wood when the TPO was served. It carried previous natural wounds which included a large limb having been torn out of the lower crown some years before. There was also a split on west side of the trees stem and further damage evidenced by loose bark. The described wounds having existed for some considerable period.

Dead wood does not require permission from the Council and the owner should carry out dead wooding as necessary.

No professional justification has been provided to support that the Ivy growth suggests the tree is decaying.

A copy of a memorandum to the owner from the tree surgeon, has been provided dated 26th April 2017, suggesting the tree had been hit by lightening and therefore "has vastly compromised the tree's structural integrity and is at severe risk of catastrophic failure" but justification has not been provided to support the tree is dangerous and therefore warrants felling.

The Council's Arboricultural Consultant did inspect the Oak to ensure it was not dead dying or dangerous in preparation for a court injunction to prevent the felling. A detailed assessment was carried out and he considered that the tree was not dead and did not present an immediate risk of serious harm as the damage/wounds had been present for some considerable time and were not recent. He did not consider that the existing wounds/damage were such that it warranted the need for felling.

The Council does accept further works are now required to balance the tree and met with the Tree Surgeon on 23rd May 2017 but no application for the suggested works has been forthcoming as yet.

SUMMARY/CONCLUSION

It is not considered the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the tree makes to its surrounding area and therefore it is expedient to confirm this TPO.