

Planning Committee

Tree Preservation Order (No.17) 2010 Sycamore Tree at Hill House, Workhouse Lane, Bloxham

7 October 2010

Report of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 17-10 with one objection relating to a Sycamore tree at the site of Hill House, Workhouse Lane, Bloxham, OX15 4PH (copy plan attached as Annex 1)

This report is public

Recommendations

The meeting is recommended

- (1) To confirm Tree Preservation Order 17-10 at the site of Hill House, Workhouse Lane, Bloxham, OX15 4PH without modification in the interest of public amenity.

Summary

Introduction

- 1.1 The District Council made an emergency TPO 30th June 2010 following a site visit to assess a section 211 (Town and Country Planning Act 1990) notification to undertake tree works to the tree which lies within the Bloxham conservation area.
- 1.2 The tree is a Sycamore tree in the early stages of maturity (a tree which has reached the typical shape and habit of the species and is within the first/second third of its expected life).

Guidance in determining the suitability of a tree for a TPO is provided by the TEMPO method (Tree Evaluation Method for Preservation Orders). This has been undertaken and the results included in this

document as appendix 2.

It is in a prominent position, being situated as it is, on an incline visible from the High Street, Bloxham providing a significant contribution to the local amenity as well as wildlife and environmental benefits to the local area. One letter objecting to the TPO has been received from:

- i. Mr Andrew R. Dixey, Hill House, Workhouse Lane, Bloxham OX15 4PH.

1.3 The objections and due consideration are as follows:

- a. The tree “is self seeded and has grown from a relatively small and manageable tree” over the last 20 years.

CDC The suitability for the installation of Tree Preservation Orders is assessed on the relation and contribution of the tree to the local surroundings regardless of whether deliberately planted or self seeded.

The term manageable is wide ranging and may relate to a variety of issues arising from the tree. These issues may vary from shade and leaf fall, which are not normally considered valid reasons for pruning protected trees, to the danger it poses to health, safety and damage to property in addition to its general health.

It is accepted that management requirements will increase in relation to its influence on the immediate surroundings as a tree increases in size.

The presence of a TPO does not prevent management. Necessary works can still be carried out and simply requires an application to the local planning authority. If the works are reasonable and necessary consent will be granted. If there are concerns about the safety of the tree then the TPO makes allowance for this under exemptions to the TPO (section 5)

- b. “The tree is growing on an unstable bank”

CDC It has long been established that tree roots increase the stability of slopes by forming a framework by which soils are held together.

- c. The tree “trunk is close to the perimeter stone wall of the property which we have had to repair because of root damage”

CDC It is noted that due to the proximity of the tree to the adjacent wall that a risk of damage to the wall is present as the tree increases in size. This is generally considered minor damage and engineering solutions can generally be found e.g. bridging roots to allow for an increase in girth without displacing the stones

or bricks in the wall.

- d. “The canopy overhangs the power lines and we have suffered branch fall in the past during high winds”

CDC It is not clear from the objection how large the branch which fell was or whether any damage was caused. There is no evidence on the tree to suggest any large branches have been lost and therefore I assume that the branch referred to was relatively small.

It is normal for trees to contain an amount of dead wood. This can be removed without affecting the overall visual amenity of the tree and means they are dealt with in a controlled manner. Please refer to the consideration given to point a.

- e. The objector disagrees with the view of the Arboricultural Officer in Part 1 section a of the TEMPO assessment undertaken on the tree. (TEMPO guidance notes have been included as appendix 3 for the committee)

CDC Although the assessment is the opinion of the Arboricultural officer and differing views could be argued, The assessment of the suitability of the tree has been carried in the spirit of the guidance assessing the tree on its merits.

The human rights of the objectors and others affected by the decision, i.e. Article 1 of the first protocol – right to peaceful enjoyment of possessions and Article 8 protection of the right to respect ones private and family life, home and correspondence, were taken into consideration by the amenity value checklist (TEMPO assessment) completed when the Tree Preservation Order was made. To confirm the Order does not place a disproportionate burden on the owner, who retains the right to make applications for works to the tree.

Conclusion

- 2.1 All the issues raised by the objector can be addressed through the normal application process. Therefore it is recommended that the Committee confirm Tree Preservation Order 17-10 without modification.

Background Information

- 3.1 Statutory powers are provided through :

- ii. Section 198 Town and Country Planning Act 1990.

iii. Town and Country Planning (Trees) Regulations 1999

- 3.2 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments or in his/her absence the Development Control Team Leader or Team Leader – Development Control and Major Developments to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 3.3 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 9 April 2009. The statutory objection period has now expired and one objection was received to the Order.

Key Issues for Consideration/Reasons for Decision and Options

None

Implications

- Financial:** The cost of processing the Order can be contained within existing estimates.
Comments checked by Eric Meadows, Service Accountant PH & E 01295 221552
- Risk Management:** The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses no danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or damage occurring before an application is made.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

Wards Affected

Bloxham and Bodiocete

Document Information

Appendix No	Title
Appendix 1	Plan
Appendix 2	TEMPO assessment
Appendix 3	TEMPO assessment guidance notes
Background Papers	
TPO file reference 05-10	
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