

PLANNING COMMITTEE

Tree Preservation Order (no.20/2010) Sycamore trees at Beam Ends, Brick Hill, Hook Norton

4 November 2010

Report of Strategic Director Planning, Housing & Economy

PURPOSE OF REPORT

To seek the confirmation Tree Preservation Order no 20/2010 with one objection relating to Sycamore trees at the site of Beam Ends, Brick Hill, Hook Norton, OX15 5QA (copy plan attached as Annex 1)

This report is public

Recommendations

The meeting is recommended

- (1) To confirm Tree Preservation Order (no. 20/2010) at the site of Beam Ends, Brick Hill, Hook Norton, OX15 5QA without modification in the interest of public amenity.

Summary

Introduction

- 1.1 The District Council made an emergency TPO in September 2010 following a site visit to assess a planning application and a subsequent section 211 (Town and Country Planning Act 1990) notification to undertake tree works to the tree which lies within the Hook Norton conservation area.
- 1.2 The trees are 4 no. individual Sycamore trees and two multi stemmed trees made up of 8 stems all in the early stages of maturity.
- 1.3 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.

The trees are in prominent positions, being situated on a raised garden visible from the Brick Hill and Croft Road 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. Catherine Ashley-Boulton of Beam Ends, Brick Hill Hook Norton

The objections and due consideration are as follows:

- a. The retaining wall on which the trees are situated is at risk of being damaged and collapsing due to the root action of the trees, which may in turn undermine the stability of the trees.

CDC It is noted that due to the position of the trees in relation to the retaining wall, a risk of damage is present as the tree roots in contact with the wall increase in size.

The trees have been growing on the bank for an estimated 30 – 40 years and will have produced anchoring roots to support them. There is no evidence to suggest any movement of the root plates suggesting that they are unstable at the present time.

There is no evidence provided by the engineers report to suggest that the wall is in fact unsafe at the present time and refers possibilities in the future. The retaining wall has collapsed in the past, the reason for the collapse is not clear and it has been repaired with the trees in situ.

The engineers report does not explore any engineering solution to strengthen the retaining wall reducing the likelihood of future failure.

- b. "The trees are causing a loss of light to the adjacent properties.

CDC There is no obligation for tree owners to ensure uninterrupted light.

- c. The TPO plan and schedule are not clear.

CDC The TPO plan is based on the Arboricultural report provided and aerial photographs of the site.

The confusion arising from the plan arises from 2 trees noted as a group (G1) and marked as 8 trees. The group is in fact made up of 2 trees comprising a total of 8 stems. This has now been clarified with the applicant.

- e. The TPO was made after the 6 week conservation area notification deadline.

CDC There is no time restraints on the making of a Tree Preservation Orders in relation to Conservation Area notifications.

Tree Preservation Order 20/2010 was made through the correct procedure and process.

CONCLUSION

1. It is recommended that the Committee confirm Tree Preservation Order

20-10 without modification.

Background Information

1. Statutory powers are provided through :
 - i. Section 198 Town and Country Planning Act 1990.
 - ii. Town and Country Planning (Trees) Regulations 1999
- 1.2 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 the Team Leader - Development Control & 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.
- 1.3 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

Hook Norton Ward

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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