

**Grass Verge Adj To  
North Lane  
Weston On The Green  
OX25 3RG**

**22/00124/TPO**

**Case Officer:** Iain Osenton

**Applicant:** Oxfordshire County Council

**Proposal:** Crown lift south west limb only to 2m. Crown lift through a combination of light selective reduction and small branch removal, with no cuts exceeding 50mm - Subject to TPO 04/2018

**Ward:** Launton and Otmoor

**Councillors:** Cllr Holland, Cllr Hughes.

**Reason for Referral:** Called in by Cllr Holland on the basis of substantial public interest.

**Expiry Date:** 10 March 2022

**Committee Date:** 7 April 2022

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## **SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

### **1. APPLICATION AND SITE LOCALITY**

- 1.1. The application relates to T1 of TPO 04/2018. One Oak tree located on the grass verge where North Lane joins the B430. The tree is mature, prominently located, holds significant public amenity and contains veteran features.

### **2. DESCRIPTION OF PROPOSAL**

- 2.1. The applicant seeks permission to complete a crown lift of the south-west limb only, which currently sits below 1.7 metres above a newly installed footpath, to a height of up to 2 metres in order to reduce obstruction to pedestrians.
- 2.2. The crown lift would be completed in a sympathetic manner by selectively pruning branches to achieve the clearance height of 2m. No cuts would exceed 50mm.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. The TPO was made in 2018. This is the first TPO application received.
- 3.2. There was previously one notification of tree works in a conservation area, reference 03/01828/TCA.

### **3.3. PRE-APPLICATION DISCUSSIONS**

- 3.4. The applicant, Oxfordshire County Council, discussed with CDC arboricultural officer (South) the desire to complete works, where it was agreed a TPO application would need to be submitted.

#### 4. RESPONSE TO PUBLICITY

- 4.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 24 March 2022.
- 4.2. There have been 27 letters of objection, no comments, and no letters of support received. Comments raised by third parties are summarised as follows:
- The proposal has been prompted as a result of the new raised footpath.
  - The proposal will permanently damage the tree's form and appearance.
  - Alternative footpaths are being explored. The existing footpath may be temporary and as such the requirement for crown lifting may be removed.
  - The proposal is not made in the interests of the tree.
- 4.3. The comments received can be viewed in full on the Council's website, via the online Planning Portal.

#### 5. RESPONSE TO CONSULTATION

- 5.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 5.2. Weston on the Green Parish Council: **Objects** on the grounds the proposal is made as a result of the raised footpath being built beneath the tree. An alternative footpath has been approved (21/00516/F). Should this be built, and the existing footpath be removed, the need to crown lift is removed.

#### 6. APPRAISAL

- 6.1. The key issues for consideration in this case are:
- Impact on tree health.
  - Impact on amenity.
- 6.2. When considering an application, the National Planning Practice Guidance (NPPG) sets out that the Authority is advised to:
- Assess the amenity value of the tree and the likely impact of the proposal.
  - Consider if in light of this assessment the proposal is justified.
  - Consider if any loss or damage is likely to arise if consent is refused.
  - Consider if any requirements apply in regard to protected species.
  - Consider other material considerations, including development plan policies where relevant; and
  - Ensure that appropriate expertise informs its decision.

##### Arboricultural need for the works

- 6.3. The objections received to this application highlight that the proposed works are only required as a result of a new footpath being built beneath the tree. The works are not

required to safeguard the health of the tree, but to reduce obstruction to any pedestrians using the footpath.

- 6.4. The comments of the Parish Council highlight that an alternative footpath has been approved (Planning reference 21/00516/F). This alternative footpath has not yet been installed. Whilst this separate permission represents an alternative option to the footpath recently installed and would not require the proposed tree works to be undertaken, it carries little material weight in the assessment to be made for this application.
- 6.5. Government guidance (NPPG) is that: "*The higher the amenity value of the tree or the greater the impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is low, and/or the amenity impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no arboricultural need for the work*".
- 6.6. On the basis of the above Government advice, it is considered that the impact of the proposed works on the tree and the amenity value it represents is the key determinant. Even if the works to the tree were found not to be required to protect its health or vitality, nor found not to represent the only means to address the issues with the footpath that has been installed, it is only if *the impact on the amenity value represented by the tree was undermined* that the works could be opposed.

#### Impact on tree health

- 6.7. The proposal to selectively prune branches below 50mm in diameter sits within British Standard BS3998:2010. Summarised as:
- *7.1 - In order to help ensure that the tree has enough energy and remains sufficiently intact to resist disease and decay satisfactorily, the amount of leaf-bearing twig structure removed and the size of pruning cuts – both individually and collectively – should be kept to the minimum required to achieve the objectives.*
  - *7.2.4 - If a stem or branch is to be shortened, the cut should be made distal to a union or group of unions where one or more healthy lateral branches bear enough foliage to sustain the parent stem or branch. If there is only one such union near the intended cut, the lateral branch should have as large a diameter as possible (i.e. at least one-third and preferably more than half that of the removed portion).*
  - *7.6 - Crown lifting should be avoided or minimized in mature or old trees if possible, since it can increase the probability of stem failure. If it cannot be avoided, it should preferably involve the removal of secondary branches or branch shortening rather than removal of branches back to the stem, provided that the desired clearance can thereby be achieved. The choice of these options should take account of factors such as the size, growth-potential, branching habit and shade tolerance of the tree.*
- 6.8. The proposed works accord with both BS3998:2010 and also; *Veteran trees, a guide to good management*. The size of the proposed cuts (<50mm) is not expected to expose an unacceptable volume of heartwood, reducing the likelihood of pathogen ingress. The volume of photosynthetic tissue proposed for removal is minimal when considered alongside what photosynthetic material would remain, both on the pruned branch and the tree as a whole, offering negligible impact on the tree's photosynthetic ability. As a minimal volume of photosynthetic material is proposed for removal, and based off the species characteristics, vigorous regrowth is not expected, reducing a requirement for residual works.

- 6.9. Based on this assessment, the proposal is not expected to be detrimental to the tree's health.

Impact on amenity value of the tree

- 6.10. The tree is situated on the verge at the intersection of the Northampton Road and North Lane and therefore is a prominent landmark feature for those travelling through the village; indeed, it is the cover picture of the Weston on the Green Conservation Area Appraisal published in June 2009.
- 6.11. The tree is a large veteran tree which stands higher than the other trees in the street scene at this point. That said, it is not uniform in the shape or spread of its canopy.
- 6.12. The proposal to lift the lowest portion of the trees crown, specifically the low south west limb only, would have an impact on amenity. However, due to the small volume of branch structure to be pruned, off a single branch, the level of amenity lost is not expected to detract from the tree's amenity as a whole.
- 6.13 Irrespective of the reasons behind or for this application, an assessment must be made on the basis of the proposal itself. For the reasons set out above it is considered that the proposed works would not detract from the amenity value of the tree.

## **7. CONCLUSION**

- 7.1. The proposed works would not adversely impact the tree's health or its amenity value and are therefore acceptable.

## **8. RECOMMENDATION**

### **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW.**

#### **Time limit**

1. The works hereby permitted must be completed within two years of the date of this consent.

Reason: In accordance with the Town and Country Planning Act 1990 and Town and Country Planning (Tree Preservation) (England) Regulations 2012.

#### **Works to British Standards**

2. All tree works shall be carried out in accordance with British Standard 3998: Recommendations for Tree Works and undertaken by suitably qualified and insured arboricultural contractors.

Reason: In the interests of good arboricultural practice.

#### **Agreed extent of pruning**

3. Before any pruning work is carried out, the work shall be agreed on site between the appointed tree surgeon and the Local Planning Authority. The work shall thereafter be carried out in accordance with the details agreed on site and as confirmed in writing by the Local Planning Authority. The works shall not involve any works to branches not mentioned within this proposal, or the removal of any branch of which any part is more than 50 mm.

Reason: To ensure that the tree surgeon is fully aware of the extent of lopping granted consent.