

REPORT FOR THE PLANNING COMMITTEE, 30 JANUARY 2014

Objection to Tree Preservation Order TD1110, (Oake No.1) 2013, at Whitemoss, Hillcommon, TA4 1DU. The Tree Preservation Order (TPO) includes one oak tree.

RECOMMENDATION

That the Tree Preservation Order be confirmed. Management works to give clearance to the garage roof and to remove any significant dead or dangerous branches can be agreed in writing and on site.

Background

The Tree Preservation Order (TPO) was served on 13 September 2013.

The TPO was served in response to a routine enquiry from a tree surgeon who, having been asked to quote for felling the tree, contacted the Landscape Support Officer to ascertain whether the tree was protected by TPO.

Note: There are two trunks growing very close together – the TPO has been served on the basis that it is one multi-stemmed tree. However, it may be that it is two separate trees growing as one canopy.

Procedure

A Tree Preservation Order comes into force on the date that it is served for a period of 6 months. The TPO lapses after that date unless it has been confirmed by the LPA. If there are no objections to the TPO, it can be confirmed. If any objections are received, the points raised must be considered and a decision made as to whether to confirm the TPO, either with or without modification. The decision whether to confirm a TPO that raises objections is taken by members of the Planning Committee.

When deciding whether to serve and confirm a TPO, the present or future public amenity value of the trees must be considered. Tree Preservation Orders are served to protect selected trees if their removal would have a significant impact on the local environment. TPO trees should therefore be visible from a public place, such as a road or footpath.

In assessing a tree's amenity value, consideration must be paid to its visual impact, its health and structural integrity, its life expectancy and its suitability to the location. The tree's potential impact on highways, services and structures should be considered.

Note: In considering whether to confirm the Tree Preservation Order in question, the tree's suitability for TPO has been scored using the Amenity Evaluation System. The score sheet is attached to this report

Representations

The objection was received from the owner of the tree, Mr N Fillery, by email on 13 October 2013 (letter and list of questions) and subsequently discussed at a site meeting.

The reasons for objection can be summarised as follows:

- a) The tree is too close to the adjacent garage, due to the potential for direct and indirect (subsidence) damage;
- b) There are overhead wires that pass through the tree;
- c) The tree is too close to the main Hillcommon road, the house and the parking area;
- d) Crown reduction would 'butcher' the tree and destroy its natural shape;
- e) There are inaccuracies in the TPO because i) a site visit did not take place prior to the TPO being served; ii) there are two trees, not one; iii) Whitemoss is not on the edge of Hillcommon but in the middle.

Determining Issues and Considerations

The initial telephone enquiry from the tree surgeon was in respect of one oak tree. During the discussion it was established that there were no health or safety issues with the tree that could be easily detected by visual assessment.

A site visit was carried out by the Landscape Support Officer, during which the tree's amenity value was considered from the vantage of the main road and footpath. No entry to the property was made at this stage. The tree appears to be a single tree when viewed from the road. However, there is a secondary trunk immediately to the south of the main trunk that cannot be easily seen from the road.

The tree appears to be healthy. It is an English Oak, approximately 14 metres in height and of similar spread. It is growing in a metre-high hedge bank that runs north-south along the western boundary of the property. The tree is highly visible to the public from the main Hillcommon road, looking from both directions. It can also be seen from properties, lanes and footpaths to the south. The life expectancy of the tree could be in excess of 100 years. As stated in the owner's letter, the tree forms a 'magnificent picture and gives the property privacy and wind protection'.

The main reason for the objection is that the tree is close to an adjacent garage. The distance has not been measured but appears to be approximately 3 metres, although the owner suggests that it is only 2 metres from the garage. Mr Fillery has lived at Whitemoss for 21 years, and the tree is estimated to be about 50-60 years old? The age of the garage is not known by the officer, but according to the owner no damage has occurred to it thus far due to the tree.

In response to this concern, it is not inevitable that the oak's roots will directly damage the garage (the foundation depth of which is not known by the officer) in the future, bearing in mind that no damage has so far occurred. In addition, much of the rooting area of the tree will be along the hedge bank and into the adjacent field. There is no evidence of subsidence, or of the presence of clay soil with high plasticity. (It should be noted that if subsidence was an issue, removal of the tree might cause more damage to the garage due to ground heave).

In response to the other points raised in the owner's letter of objection:

- Branches can be pruned so as to give clearance to overhead wires. This work is routinely carried out by contractors for Western Power. (As Statutory Undertakers, no consent is required for this work).
- The trunk of the tree is approximately 9 metres from the road and 16 metres from the nearest house. This is not considered to be excessively close, so long as the tree is maintained in a safe condition.
- The canopy of the tree should not be a source of danger so long as the tree is regularly inspected and any significant dead, decayed or split branches are removed. (No consent is required for the removal of dead or dangerous branches).
- Tree management works, ie. crown-reduction, thinning or lifting, do not necessarily adversely affect the health or amenity value of a tree. Whether a tree is 'butchered' is down to the competence of the tree surgeon and whether the works are carried out to British Standard 3998 (2010). Trees growing in towns and villages are not growing in their natural environment and therefore some pruning works are occasionally necessary to maintain them in a reasonably safe condition, and so that they are not causing obstruction or nuisance. With respect to this oak tree an overall crown-reduction is not considered to be necessary. However, there are some low branches, touching the roof of the garage, which could be removed or shortened as necessary (subject to agreement with the Council).
- Oak trees, when pruned correctly, do not necessarily re-grow more quickly. The growth of roots is slowed after any significant pruning due to the reduction in foliage area of the tree.
- Further oaks or other trees could be planted in the hedgerow to the south in addition to the TPO tree, so that they are able to replace the TPO tree should it succumb to disease or damage at some point in the future.

Once confirmed, applications can be made to carry out work to a TPO where the merits of the proposed works can be considered against any supporting evidence. It is therefore recommended that the Tree Preservation Order be confirmed.

In preparing this report the Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr D Galley Tel: 01823 356493

Surveyor: DAVID GALLEY

Date: DECEMBER 2013 Weather:

Amenity Evaluation Rating For TPO's

Tree Species: OAK

Evaluation Score: 20

Grid Ref:

Address: WHITEMOES, HILLCOMMON, TAUNTON, TA4 1BU

Location: western boundary hedge bank

Typical useful life expectancy of common trees. 300+ Yew / 200-300 Oak, Sweet Chestnut, Plane, Sycamore, Lime / 200 Scots Pine, Hornbeam, Beech, Tulip Tree, Norway Maple, Lebanon Cedar / 100 - 150 Ash, Spruce, Walnut, Red Oak, Horse Chestnut, Field Maple, Monkey Puzzle, Mulberry, Pear / 70 - 100 Rowan, Whitebeam, Apple, Gean, Catalpa, Robinia, Ailanthus / 50 - 70 Poplars, Willows, Cherries, Alders, Birches.

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| <p>1. Size 1 V ery small 2-5m² 2 S mall 5-10m² 3 S mall 10-25² 4 Medium 25 -50m² 5 Medium 50 -100m² 6 Large 100 -200m² 7 Very large 200 m² +</p> | score | Notes | <p>6. Suitability to area -1 Unsuitable 1 Just suitable 2 Fairly suitable 3 Very suitable 4 Particularly suitable</p> | score | Notes |
| <p>2. Life expectancy 1 5 -15 yrs 2 15 -40 yrs 3 40 -100yrs 4 100yrs +</p> | 3 | | <p>7. Future amenity value 0 Potential already recognised 1 Some potential 2 Medium potential 3 High potential</p> | 2 | |
| <p>3. Form -1 Trees which are of poor form 0 Trees of not very good form 1 Trees of average form 2 Trees of good form 3 Trees of especially good form</p> | 2 | | <p>8. Tree influence On Structures -1 Significant 0 Slight 1 Insignificant</p> | 0 | |
| <p>4. Visibility 0 Trees not visible to public 1 Trees only seen with difficulty or by a very small number of people 2 Back garden trees, or trees slightly blocked by other features 3 Prominent trees in well frequented places 4 Principal features in a public area.</p> | 3 | | <p>9. Added factors <i>If more than one factor relevant maximum score can still only be 2</i> 1 Rare 1 Screening unpleasant view 1 Relevant to the Local Plan 1 Historical association 1 Considerable wildlife value 1 Veteran tree status</p> | | |
| <p>5. Other trees in the area 0.5 Wooded (70% = 100+ trees) 1 Many (30% = 10+ trees) 2 Some (10% = 4+trees) 3 Few (<10% = 1+trees) 4 None</p> | 3 | | <p>10. Notes and total score Not / Reasonable for inclusion within the TPO (>15 Merits consideration)</p> | 20 | |

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| <p>Justification/Expediency</p> <p><input type="checkbox"/> Human Rights Act 1998? <input type="checkbox"/> Change of ownership? <input type="checkbox"/> Development pressures? <input checked="" type="checkbox"/> Risk of felling? <input type="checkbox"/> Risk of unacceptable pruning? <input type="checkbox"/> Section 211 notification? <input type="checkbox"/> Tree Preservation Order Review? (DETR BB Chapter 4) <input type="checkbox"/> Hedgerow regulations? <input type="checkbox"/> Member of public/Committee request?</p> | Notes |
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Signature Of Surveyor: David Galley

Notes Continued Overleaf Y (N)