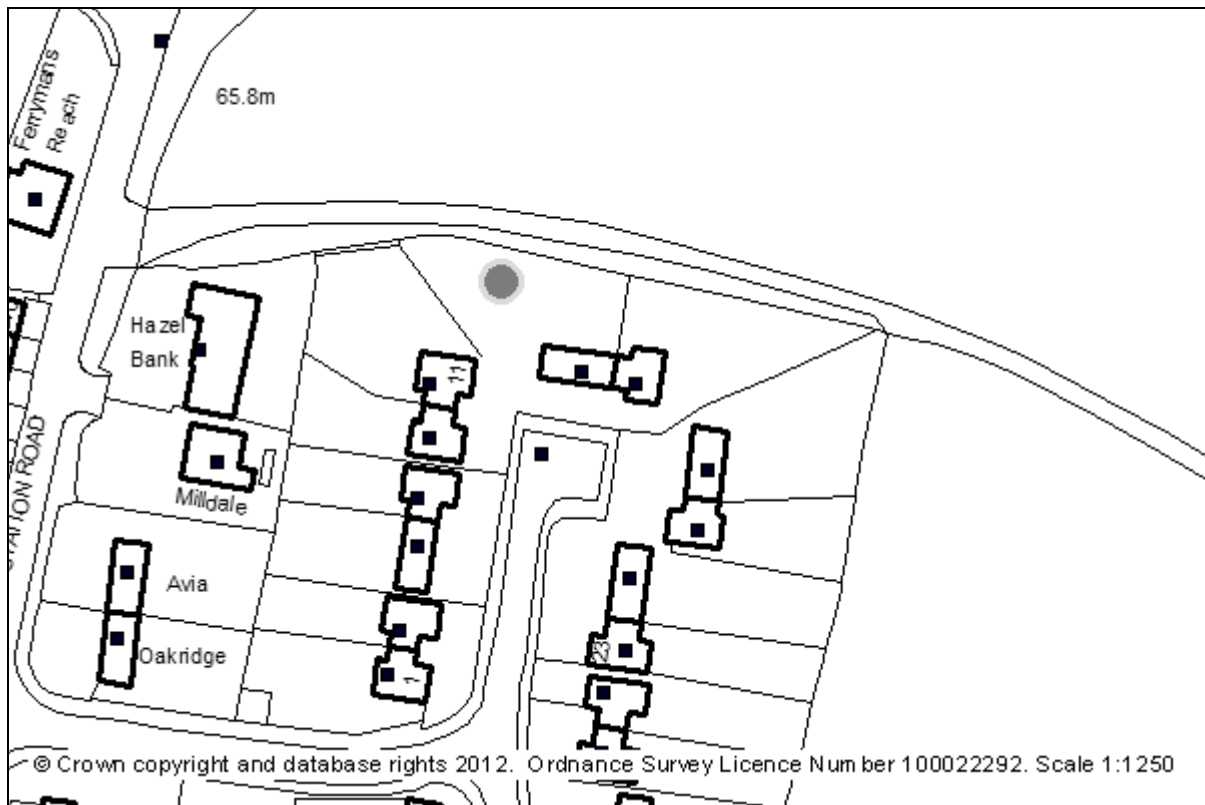


Tree Preservation Order: 21/00002/TPO

Grid Ref: 278375 : 98704

Location: 13 The Oaks
Yeoford
Credton
Devon

Proposal: Tree Preservation Order for a multi-stemmed Willow



TREE PRESERVATION ORDER: 21/00002/TPO

REPORT OF THE HEAD OF PLANNING AND REGENERATION

Reason for Report:

To consider whether the Tree Preservation Order should be confirmed in light of the representation that has been received.

RECOMMENDATION

That the Tree Preservation Order 21/00002/TPO is confirmed.

Relationship to Corporate Plan:

The proposal impacts upon the Corporate aim of 'Protecting the natural environment'

Financial Implications:

None

Legal Implications:

Tree Preservation Orders are made under the Town and Country Planning Act 1990 as amended by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Local Planning Authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area.

Risk Assessment:

None

Consultation carried out with:

1. The landowners have been notified of the imposition of the Tree Preservation Order and provided with the opportunity to object to its confirmation.

PROPOSAL:

Tree Preservation Order for a multi-stemmed Willow

RELEVANT SITE HISTORY/DESCRIPTION:

85/00400/FULL - PERMIT date 8th July 1986
Construction of roads and sewers for 38 dwellings

86/00719/FULL - PERMIT date 23rd July 1986
Detailed drawings for the erection of 30 houses with integral garages, construction of roads and landscaping

AMENITY EVALUATION:

The tree is easily visible within the public realm and considered to provide a positive contribution to local amenity. An amenity evaluation undertaken by the Tree Consultant for the Council gave the tree a score of 17. The tree is not located in a conservation area and therefore following this amenity evaluation of the Willow tree it was deemed necessary to place protection on it in the form of a Tree Preservation Order.

REPRESENTATIONS:

At the time of writing this report one letter of representation has been received from the owner of the property and includes a letter from a tree surgeon on their behalf (no confirmation is provided of the professional qualifications of the tree surgeon). The key points made are that;

1. Willows are well documented to have invasive root systems and cause structural damage to buildings and underground services
2. We would like to remove or pollard close to ground level to restrict long term growth and continue a planting scheme along the boundary line with native hedge species.

MAIN ISSUES:

Assessment by Council's Tree Consultant

1. The site visit was conducted without access to the property itself – the tree could be easily seen from the terminus of The Oaks, also from Station Road to the west and from the track immediately to the north of the property.
2. The subject tree appears to be a mature multi stemmed goat willow or similar willow species growing in the garden of the property, it is an estimated 12m from the north west corner of the house, it appears to be on or adjacent to the boundary with the neighbouring property on the west side.
3. The tree is an estimated 12m in height with an approximate radial crown spread of 6m. It is a multi-stemmed specimen with ivy growing into the mid crown, because of this the stem diameters could not be easily estimated, they would normally be used to calculate the root protection area (RPA), according to BS 5837, however an estimated single stemmed equivalent would be approximately 60cm, giving a radial RPA distance of 7.2m or 163 square meters.
4. The tree is easily visible from the public realm and is considered to contribute positively to local amenity, as a native species it also supports biodiversity and is beneficial to local wildlife.
5. From what could be seen this tree appears to be in normal health and condition and to have a reasonable life expectancy, it contributes significantly to public amenity and as such would be considered as a potential constraint to any planning application to develop the site. It is likely that the tree may dominate the garden of any new dwelling, resulting in pressure for it to be cut back or felled.
6. It may be expedient to make the tree subject to a TPO.

The amenity evaluation rating was 17 informing that it should be protected.

Consideration of objection

The concerns that have been raised are made in respect of Willow trees in general. Although the letter indicates that the author has visited the site, no indication is provided that the tree is causing any disturbance to underground services or structural damage to the dwelling at this point in time, or that there is any indication that this is likely to happen in the future. Furthermore it is not considered that the imposition of the Tree Preservation Order would

prevent further native hedgerow planting being undertaken along the boundary as intended. The representation does not seek to make the case that the tree is not worthy of protection by a preservation order.

The imposition of the Tree Preservation Order would not prevent applications being submitted for works to the tree in the future, and would be considered on its merits at that time and subject to appropriate justification being provided.

SUMMARY:

A structured and consistent evaluation method was originally carried out by MDDC. The objection letter received highlights some general concerns in respect of willow species but does not assert or provide any evidence that the subject tree is causing any concerns in respect of structural damage and does not seek to make the case that the tree does not merit protection. It is considered that the objection that is raised should not overtly detract from the tree being afforded a tree protection order where in the view of the current tree consultant advice that it would merit protection. The amenity evaluation undertaken by the Tree Consultant would inform that the tree would merit a tree preservation order and therefore it is recommended that the order is confirmed.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.