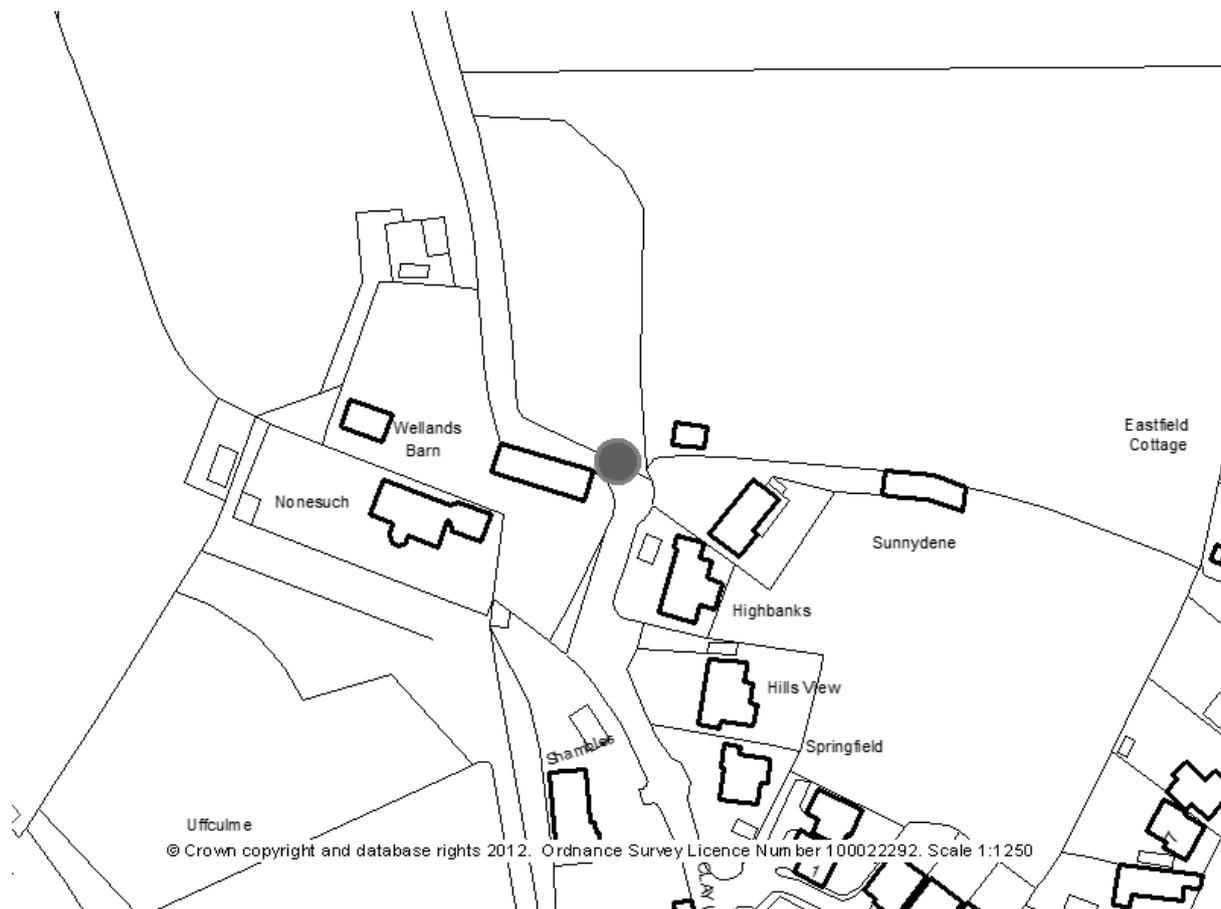


Application No. 17/00016/TPO

Grid Ref: NGR
306770/113041

Location: Land at NGR
306770/113041
Clay Lane
Uffculme



PLANNING COMMITTEE – 4 October 2017

REPORT OF THE HEAD OF PLANNING, ECONOMY AND REGENERATION

Update to original report.

Consideration of this report was deferred from the meeting of Planning Committee on 6th September to allow the Tree officer to further inspect the tree with regard to its current status and that further photographs identifying the proximity of the tree to adjacent buildings be made available.

Following inspection of the tree again the Tree Officer has made the following comments: it is clear that it has declined further in health. This is possibly due to the excavations at the base of the tree where the access way was widened/created, but there may be other reasons for the crown dieback. MDDC Tree Officer does not see that the tree is showing any signs of being unstable.

Tony Lane, Arboricultural Consultant was commissioned to inspect the tree and write a report in 2004. The report did not specify that there were any major concerns with the health or stability of the tree but made some recommendations to a light prune to selected limbs to reduce the weight where there may be some weakness in the crown of the tree. It is at the owners discretion as to whether this work is carried out.

A Tree Preservation Order would not prevent the good management of trees by pruning.

The tree is a mature Oak standing on a traditional Devon hedgebank. It has been pollarded in the past, for reasons unknown. It is in close proximity to property but this is not unusual and could easily be managed by pruning.

Whilst it would be unfortunate to have this tree removed it may be that due to its declining health **it may not be appropriate to confirm the Tree Preservation Order**. The dieback throughout the crown ideally would be monitored however its reducing vigour mean the tree has reducing amenity value.

Reason for Report:

To consider whether a Tree Preservation Order should be confirmed in light of the objections that have been received.

UPDATED RECOMMENDATION

That the Tree Preservation Order not be confirmed

ORIGINAL REPORT

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:

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

1.0 DESCRIPTION/SITE HISTORY

This Tree Preservation Order was made in response to Conservation Notification (Section 211) to fell the tree in question.

2.0 AMENITY EVALUATION

2.1 The tree has good amenity value at the edge of the Uffculme Conservation Area. It is a mature tree located towards the end of the residential area of Clay Lane.

3.0 REPRESENTATION

3.1 Two objections to the TPO have been made on the following grounds:

The tree threatens property

The tree roots have been damaged

The tree is dangerous

The tree drops debris onto land (including branches)

The tree is messy and unhealthy

3.2 A letter of support for the TPO has been received from Uffculme Allotment Association.

4.0 **MATERIAL CONSIDERATIONS AND RESPONSE TO THE OBJECTIONS**

4.1 The mature Oak tree has suffered root damage in the recent past due to the widening of the access way. This widening work has not taken into consideration the presence of the tree and has cause some damage to this part of the trees root system. The tree should have significant roots in other directions to maintain its health and adjust to the damage.

It is noted that the tree has minor dieback in the crown at the time the TPO was made. The tree has not been visited by MDDC Tree Officer since this time and any further decline should be monitored.

There was no obvious sign that the tree was unstable and any deadwood in the crown can be removed without the need for an application. A brief visual tree inspection was carried out by MDDC Tree Officer when determining whether the tree was worthy of protection by TPO or not. Further investigation may be necessary. No arboricultural reasons were identified to justify the removal of the tree.

4.2 The Tree Preservation Order does not serve to stop good management. There is nothing stopping the landowner from applying for future works to the tree should it be required.

4.3 The tree is located in close proximity to the property Wellands Barn but this has been a historical relationship between the property and the tree. If it is deemed necessary to carry out pruning works to maintain adequate clearance an application must be submitted if the Tree Preservation Order is confirmed.

5.0 **CONCLUSION**

The Oak tree does merit a Tree Preservation Order. Using the amenity evaluation rating scoring system the tree received a score of 16, with 15 being the benchmark score to merit consideration when making Tree Preservation Orders.

There are some signs of minor dieback in the crown of the tree; this may be related to the root damage which has occurred during the widening of the access.

Contact for any more information

Cathy Lynch, Tree Officer
01884 234304

**Background Papers
File Reference**

17/00016/TPO

Circulation of the Report

Members of the Planning Committee