

Meeting:	Development Management Committee
Date:	16 th October 2008
Subject:	Tree Preservation Order No. 919
Key Decision: (Executive-side only)	No
Responsible Officer:	Russell Ball, Tree Preservation Officer
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise.
Exempt:	No
Enclosures:	1) Letter dated 8 th August 2008 from Mr FM Kornhauser 2) Photo of Yew tree as viewed from Stonegrove: opposite the Ashbrook entrance

SECTION 1 – SUMMARY AND RECOMMENDATIONS

Tree Preservation Order (TPO) No. 919 covers two Oaks and one Yew tree at the front of Ashbrook, Stonegrove. It was considered expedient to make the Order to protect these trees from a proposal to install 5 off-road parking spaces and a new electricity substation. It is likely that the proposal would be detrimental to both the health and amenity value of these trees.

A detailed objection has been made against this TPO in respect to the Yew. This report sets out why this TPO should be confirmed.

RECOMMENDATIONS:

The Committee is requested to confirm TPO No. 919 notwithstanding the objections.

REASON: This emergency TPO needs to be confirmed within 6 months otherwise the statutory protection afforded to the aforementioned trees will be lost.

SECTION 2 - REPORT

- 2.1 On 22nd July 2008, TPO No 919 was made in respect of three trees at Ashbrook, Stonegrove: two Oaks & a Yew. An objection letter was subsequently received from Mr FM Kornhauser.
- 2.2 Mr FM Kornhauser's objections are set out below with the Council's response
- 2.2.1 The Yew tree is a poor specimen with a spilt trunk.
Response: The Yew has good form with good vitality. The trunk carries multiple stems but is not split.
- 2.2.2 The Yew has suffered years of neglect and does not make a positive addition to the street scene.
Response: The Yew does not appear to be neglected (see photo). Moreover, the healthy tree provides significant public visual amenity to the street scene.
- 2.2.3 The Yew present a constraint to the installation of the proposed electricity substation
Response: An application to prune the Yew, to facilitate the installation of the substation, would be considered under the TPO. However, due to the Yew's significant public visual amenity, it is unlikely that it's removal would be accepted by this Council
- 2.3 There is no right of appeal to the Secretary of State against the confirmation of a TPO. However, under Section 288 of the Town and Country Planning Act 1990 ("the Act"), the validity of a TPO can be challenged on a point of law by an application to the High Court within six weeks of the date the TPO is confirmed on the grounds that: -
- 2.3.1 The TPO is not within the powers of the Act, or
- 2.3.2 The requirements of the Act (or Regulations made under the Act) have not been complied with in the making of the TPO.
- 2.4 The Committee is requested to give due consideration to the objections and the Arboricultural Officer's opinion that the objections do not outweigh the amenity considerations in this case.
- 2.5 It is accordingly recommended that the TPO be confirmed.

Financial Implications

There are no financial implications.

Performance Issues

None.

SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 29th September 2008.		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 17 September 2008		

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Russell Ball, Planning Arboricultural Officer, extn: 6092