

Confirmation of Tree Preservation Order

LAND AT MANDALAY, TOWER ROAD, ASHLEY HEATH.

Tree Preservation Order No.188 (2017)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Order protects an oak tree situated in the grounds of Mandalay, Tower Road, Ashley Heath. The Order was made to safeguard the longer term visual amenity that the tree provides after an application, which included removal of TPO and non-TPO trees on the property, was made to the Council showing it to be felled. It is considered that its loss would compromise the visual amenity of the trees the area.

The Order was made using delegated powers on 22 September 2017. Approval is sought for the Order to be confirmed as made.

The 6 month period for this Order expires on 22 March 2018.

RECOMMENDATION

That Tree Preservation Order No 188 (2017), land at Mandalay, Tower Road, Ashley Heath, be confirmed and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the tree is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the tree is generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. It is considered to be an appropriate species for the locality and provide public amenity value due to its form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the tree and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the tree which is necessary to safely manage it.

Representations

A letter from the occupants of adjoining property has been received. It states that the tree is close to the border and to both houses. It questions the condition of the tree and says that many branches have fallen from it, including a large branch that caused damage to their conservatory. An agreement with the previous owner of Mandalay to carry out work to the tree was subsequently prevented by the owner. Concern remains of further threat to property and life from falling branches, root damage and the tree falling. It is felt that the TPO has been made without thoughtful consideration and that the tree offers no real beauty in its present state.

Issues

The tree is situated within the grounds of Mandalay close to the north-eastern boundary with Bracken End. It is clearly visible from Tower Road and is a significant feature. It provides an important contribution to the area.

An application to fell 7 trees on the property was made to the Borough Council, in August 2017, application number 17/00706/TWA. This included 2 trees that were covered by a TPO and permission was given to fell these, however it was considered that the oak tree which was not covered should be retained, and a Provisional Order was made to protect it. The application to fell the tree was subsequently refused. The Council made no objection to the removal of the remaining trees.

Your officers inspected the tree and carried out a TPO assessment. It is considered to be in good health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. It is considered that felling the tree would have a detrimental effect on the visual amenity, not only of the site but also to the locality. The Order was made and served on 22nd September 2017 in order to protect the long term well-being of the tree.

The concerns of the neighbour have been considered and it is the view of your officers that although the tree is in need of work, and subject to a detail arboricultural report, there is nothing to currently suggest it should be felled. The principal problem appears to be with falling deadwood and defective branches, and this can normally be resolved by crown cleaning the tree. No evidence has been provided with regard to damage to property by roots.

Date report prepared

14 January 2018