

REPORT

TREE PRESERVATION ORDER 308 - BARFORD HOUSE, MOUNT LANE, BARFORD ST. MARTIN

Purpose of Report:

Written objections to the order having been received, the decision whether to confirm the Order or not, is placed before the Committee for Members' consideration.

Background:

This order resulted from a refusal to permit the felling of the large mature Holm Oak in the grounds to the front of Barford House, made under section 211 of the Town & Country Planning Act 1990.

Objection

A written objection to the Order was received from the son of owner of the property.

The objection is based upon the following.

1. The age and location of the tree. The tree is estimated to be in the 180 – 210 years age range and sits at the front of the property on raised ground, some 1.5 – 1.75m above the road level.
2. That the tree posed a threat to members of the public due to a range of potentially dangerous defects and basal rot.

Comments to Objections

1. The age and location of the tree are not in themselves grounds for an objection, what would raise concerns were if the tree was in a poor, weak or declining condition. This tree, despite its age, is in a relatively good condition.
2. There is no doubt that the tree does have a number of defects and there is a fungal fruiting body at the base of the trunk. What is in doubt is the significance of these defects for the tree and therefore the safety of either the occupants of the property or users of the adjacent road.
3. The statement that the tree posed a threat to safety has been made without any substantive evidence to back it up [A competent Arboricultural consultant using modern decay detection

equipment could provide this evidence, if it existed]. The burden for providing that evidence rests with the owner and not the local authority.

4. A site meeting took place on the morning of the 15th June 2004 between the property owner, his son, their tree work contractor and myself. It was agreed that a report investigating the internal condition of the base of the tree and the other identified defects would be provided, on which a reasoned risk assessment of the tree's potential for failure could be made. This was expected to be completed by the end of the month [June], to date no report has been presented, therefore it is reasonable to assume that no significant risk to public safety has been found that would warrant the tree's removal.

Planning History

S/2004/261 – 211 notification to carry out tree works within a conservation area – approved 20th March 2004, with the exception of felling a Holm Oak, which was refused resulting in a TPO being applied.

Background Papers

1. Part VIII of the Town & Country Planning Act 1990.
2. Town & Country Planning (Trees) Regulations 1999.
3. Salisbury District Local Plan.

Options for Members Consideration

The provisional order expires on the 18th September 2004 and members have the following options.

1. Confirm the Order – [the Order remains as it is but correcting any errors or omissions, typo's etc. that do not affect the nature of the order, that may have been found or highlighted]
2. Not to confirm the Order – [removes the additional statutory protection from the tree provided by the order]

Conclusion

- Option 1 maintains the additional statutory protection to the tree, and gives the LPA greater control over the nature and extent of any future works.
- Option 2 removes this control and protection would revert to the level given by being within a conservation area.

Recommendations

Option 1 - Confirm the Order as is. No errors or omissions requiring correction having been found or notified. [This recommendation is in accordance with SDC Local Plan [June 2003] Policy G1 and CN17].

Implications

- Financial - None
- Legal - None
- Human Rights – None
- Personnel - None
- Community Safety - None
- Environmental Implications - Maintaining and enhancing the built environment.
- Council's Core Values – Being environmentally conscientious.