

REPORT OF HEAD OF PLANNING, SPORT AND GREEN SPACES

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REF: 67012/TRE/2013/17: APPLICATION TO FELL OAK (T28) ON TREE PRESERVATION ORDER NUMBER 173 (TPO 173) ON LAND FORMING PART OF OAKHURST, NORTHGATE, NORTHWOOD



1.0 Summary

The agent for Banner Homes Group PLC, Mr Simon Hawkins of Merewood Arboricultural Consultancy Services, has submitted an application to fell Oak (T28) on TPO 173. An objection to the application, in the form of a petition (signed by 20 petitioners), has been received and therefore the application must be decided by Committee.

2.0 Recommendation

The application (Ref: 67012/TRE/2013/17) to fell Oak T28 on TPO 173 should be granted for the following reasons (summarised):

The Oak T28 is in poor condition, will not recover, and has a low amenity value.

The Oak T28 was shown to be in a poor condition prior to this application, and it was shown to be removed on two previous planning applications to develop the site: 67012/APP/2010/1107 (dismissed at Appeal) and 67012/APP/2011/2712 (allowed at Appeal).

A replacement tree (a new Hornbeam) has been proposed, which will maintain long-term tree cover and is in keeping with the Copse Wood Estate Area of Special Local Character.

3.0 Information/Background

3.1 This application concerns a dying Oak tree (T28) situated on a vacant plot on land to the side of Oakhurst. The Oak is protected by TPO 173.

3.2 The Oak is about 16m tall and stands about 10m south-west of the existing Oakhurst building. The tree is in poor condition and will not recover. Parts of the tree can be seen from the main road, and parts of its crown can be seen over the roof of the Oakhurst building. Due to its limited visibility and poor health, the tree has a low amenity value.

3.3 Up until 2012, the TPO regulations allowed dead, dangerous and dying trees to be removed without consent. An application has been made to fell this dying tree because since 2012, dying trees are no longer included in this exemption. Only dead or dangerous trees can now be removed without consent.

3.4 The tree's poor state was noted in 2010 by the Council's then Principal Trees & Landscape Officer, when asked to provide comments on a planning application (Ref: 30799/APP/2010/1108) who stated:

"The 3rd Oak (T28), which stands between T29 and T31, has declined and died back in the last couple of years. The Oak's health and condition will not improve, and the tree will eventually die."

4.0 Reasons put forward by applicant for wishing to fell the Oak (T28)

4.1 Tree has been progressively dying for several years and is in an advanced state of decline.

5.0 Consultation

5.1 Residents at Walderton, Langham House, Astwood House, High Trees, Bothkennar, Tudor House, Mewburn, Drakes Hollow, Littlehurst and Woodhurst (all in Northgate) and the Northwood Residents' Association were consulted.

Several residents objected to the application for the following reasons (summarised):

i) There is nothing wrong with the tree and I am against cutting it down.

Response: This point raised has been addressed in the main body of the report (i.e. the tree is in a poor condition and will not recover).

ii) I believe that the removal of this tree, under protection of a preservation order, whether in a poor state or not, will contravene the planning permission agreement originally put forward by Hillingdon Councillors, and it should therefore remain in situ.

Response: When a tree is protected by conditional planning permission, then consent must be obtained (by way of removing or amending the relevant condition that protected it) prior to any works being carried out on it. However, if a tree is also protected by a TPO (as it is in this case), then an application to carry out works to a TPO tree, should be submitted instead. If the TPO application is approved, then this will override any previous planning permissions that protected the tree.

iii) The applicant has not stated that the tree is dangerous on the application form and has therefore not provided an arboricultural report.

Response: When an application to fell a protected tree is not supported by written arboricultural advice or other diagnostic information (as per section 8.1 of the application form), then the Council will decide the application on whatever information has been provided. If it is not obvious why permission is being sought for a tree to be felled, then it is likely that the Council would refuse such an application. However, in this case, it is obvious that the tree is dying and will not recover.

iv) The Oak might be a bat roost and a survey should be carried out.

Response: The following informative note is recommended to cover this matter:

Wildlife and Countryside Act 1981: Note that it is an offence under the Wildlife and Countryside Act 1981 to disturb roosting bats, nesting birds or other protected species. Therefore, it is advisable to consult your tree surgeon/consultant to agree an acceptable time for carrying out any work.

7.0 Conclusions

After due consideration of the reasons given, it is considered that the application to fell and replace the Oak (T28) is justified.

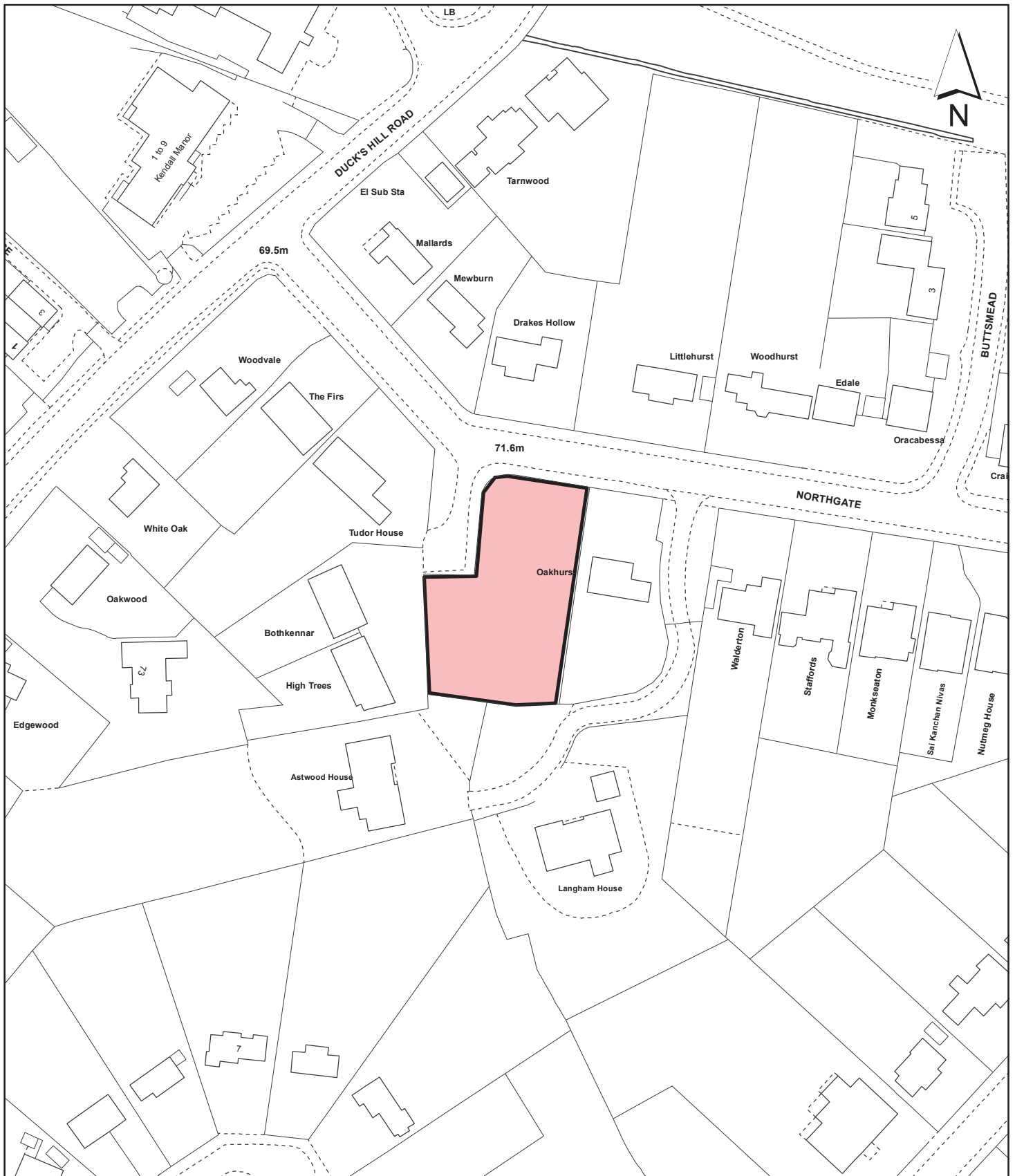
8.0 Reference Documents

8.1 The following background documents were used in the preparation of this report:

- Tree Preservation Order No. 173
- Photographs of the Oak (T28)
- Tree Preservation Orders – A guide to the Law and Good Practice.

9.0 Contact Officers:

Trevor Heaps/Stuart Hunt Tel. no. 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2013 Ordnance Survey 100019283</p>	<p>Site Address</p> <p style="text-align: center;">Land forming part of Oakhurst, Northgate Northwood</p>		<p>LONDON BOROUGH OF HILLINGDON</p> <p>Residents Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p style="text-align: center;">67012/TRE/2013/17</p>	<p>Scale</p> <p style="text-align: center;">1:1,250</p>	 <p>HILLINGDON LONDON</p>
	<p>Planning Committee</p> <p style="text-align: center;">North</p>	<p>Date</p> <p style="text-align: center;">April 2013</p>	