



TREE PRESERVATION ORDER APPEALS PANEL

Statement of response by Local Planning Authority to objection against the confirmation of Tree Preservation Order No. TPO/01250

Purpose of Report

To consider the confirmation of Tree Preservation Order TPO/1250 on 1No Oak tree following the receipt of an objection

Note: TPO/01250 is a new TPO to replace TPO/01236 which has now lapsed.

Location

Address: White Horse Inn, 487 Kenilworth Road, Balsall Common, Solihull, CV7 7DT
Ward: Meriden
Parish: Balsall Parish Council

Background

The order was made following on from a request from SMBC Employee, Sal Bridges (CLAUDE Team) as a result of a Landscape consultation on planning application PL/2019/01458/MINFHO – 80 Meeting House Lane, due to concerns that proposed development might adversely affect the health, longevity and amenity value of the prominent tree without control over the quality of such works.

A TEMPO assessment of the tree was undertaken, which recorded a score of 20. This is an extremely high score and falls within the category of 'Definitely merits TPO' A copy of the assessment is appended to this report.

Emails of objection have been received from Mr Adam Baker of 80 Meeting House Lane, the objection details are as follows:

Consultation - Objection Received

Mr Baker - Received 24/01/2020

Further to the above letter, I had a meeting arranged today with Lou Randall, Sal Bridges and Jon Hallam. I understand that Sal Bridges is sadly off sick so is unable to make the meeting and it is to be re-arranged. I wanted to discuss the TPO at the meeting as I do not actually feel it is warranted or required. There is no conflict between the tree and the proposed building and therefore it is in no danger. Approx 2 years ago I had to remove 2 adjacent trees as they were in danger of collapse. A full report was submitted to confirm why this was necessary, at that time I could have removed this tree but as there was no conflict and although the tree isn't a great example (I was also advised it wasn't worthy of a TPO?). I was advised it is viable in it's location and wouldn't be hindered by the new building or indeed would hinder the building. I have already received planning for a building that is going in the same location, so there should be no concerns over roots or foundations etc. The proposed building is higher than the previous one so the only consideration should be is there a conflict with the branches. I have sent photos to show there is only one branch of

note which runs along the boundary and doesn't actually enter the air space of the plot so I can't see why there is a conflict or issue. Something I wanted to address today and discuss. In view of the above is it possible to obtain an extension of time for the TPO to take effect? I look forward to your urgent advices.

Response to Mr Baker from Mr Kevin Mills 24/01/2020 (cc'd to Jon Hallam, Sal Bridges and Lou Randall)

Tree Preservation Order 01236

Thank you for your email.

Unfortunately, this is something that you will need to discuss with Lou Randall, Sal Bridges and Jon Hallam who are my instructing officers.

You can, of course, submit a written objection to the TPO. This can be done by email. The expiry date is Monday 27th January 2020.

Given that a meeting has already been arranged, then I trust that the meeting can be rearranged but you will need to speak to one of the officers personally. Objections should, in any case, be put in writing and so my advise to you is to email your objections to me and I will forward them onto the officers concerned.

I have copied all three officers into this email.

Response from Mr Baker to Mr Kevin Mills (cc'd to Jon Hallam, Sal Bridges and Lou Randall)

Further to your email below and for confirmation I do wish to object to the proposed TPO being applied to the oak tree that neighbours my property and has previously been discussed and identified by your correspondence.

Dealing with the scoring of each aspect in turn. I have absolutely no qualification to know how they are graded but I don't think the scores can be correct.

Part 1 talks about Amenity assessment and was graded as a 3.

- a) The tree until my involvement was strangled by Ivy, could not grow on two sides due to the much larger overgrown oak the was next to it. So a grade 1 I think that would be more suitable.*
- b) Talks retention span, I understand the tree is less than 40 years old, but it is constrained on two / three sides by a tarmac path and the existing concrete footplate, plus the car park for the pub.*
- c) Relative public visibility. The tree is at the rear of two gardens effectively, is only visible if visiting the pub or tennis courts, so is in my mind a medium size tree and not very visible. A grade of 5 seems high to me.*
- d) Other factors? I'm not convinced that this applies.*

Part 2

There is no threat to the tree from the development, it does not need any pruning save deadwood as far as I am concerned so this score of 5 is incorrect.

As previously advised when I had a tree report carried out 2 or so years ago. I was unaware that the gentleman carrying out the report was a tree officer for North Warwickshire. He was out of area so allowed to carry out a report.

At the time he suggested that the tree was of low quality and standard and in his view would not meet the criteria of a TPO. My personal feeling as previously advised was that as long as the two could co-habit without nuisance to either

Then the tree should be retained. The other two trees were dangerous and in imminent threat of falling. His view was that the building predated the tree and therefore the roots would have followed path of least resistance and would not have encroached on the building. He also felt that the new building was in no way an additional problem for the tree.

I look forward to a revised meeting where hopefully we can discuss this in more detail. I trust the above is sufficient to lodge my objection.

The Case for The Council

The tree in question is large and mature oak tree. It is located adjacent to the eastern boundary of the White Horse Inn PH car park. The tree has no known health defects, has a retention span of between 40 and 100 years, and is classed as a very large tree with some public visibility. The tree is also potentially at threat as there is a current planning application for the erection of a large domestic outbuilding within the rear garden of an adjacent property (80 Meeting House Lane).

The high TEMPO score for the tree demonstrates and reinforces the fact that the tree contributes significantly to the rich arboreal character and appearance of this part of Balsall Common, and in order to retain its contribution to this character it is considered that the serving of a TPO is essential.

The above notwithstanding, the Council's response to the points raised by the objector are as follows:

The developer of the adjacent property states 2 reasons why the oak will not be affected and does not warrant TPO status:

- 1) the existing conc. slab will have directed roots away from the construction area*

There is a possibility that the roots of T22 are growing underneath the existing concrete slab associated with the single storey buildings that have been demolished. The foundations for the proposed 2 storey building will be more intrusive to the root area.

- 2) the canopy is over the building but the branches are ascending due to adjacent trees*

The developers Arboriculturist acknowledges that adjacent trees have since been removed and the ascending branches of the oak will re-balance in the future. Therefore these branches could create pressure to significantly reduce the canopy or fell.

Recommendation

The Panel are therefore invited to confirm Order TPO/01250 for 1No oak tree.