



**DECISION
DIRECTOR OF DEVELOPMENT AND ENVIRONMENT**

DECISION No. 16/17 170

SUBJECT: TPO 1037 Land between Buttercup Crescent & Jocelin Drive, Weston-super-Mare

DETAILS:

Tree Preservation Order 1037 was made 13 April 2016 to protect a woodland belt of Ash, Hawthorn, Field Maple & Oak. The period for receipt of objections has now expired.

After six months from the date a Tree Preservation Order (TPO) is made the trees protected therein lose the protection of the section 201 direction. If the council wish to confirm the TPO as it stands, or confirm it subject to modification, the decision must be made before the end of the six months.

CONSIDERATION OF OBJECTIONS AND OTHER REPRESENTATIONS:

Three objections were received together with two letters of support with a 25 signature petition requesting the provisional order be confirmed. The objections raised covered the following points:

1. That the trees belong to the resident and that they should be allowed to manage the trees as they see fit;
2. That the trees are hazardous;
3. Don't believe that the trees have visual amenity value;
4. Feel it is unfair to penalise all the residents over the inconsiderate act of one neighbour;
5. Loss of light;
6. Residents must be allowed to reduce the trees to limit possible subsidence or damage to pipes;
7. Consider that the ownership, maintenance and liability of the trees rests with the Council.

Officer Response

1. The land registry search that was completed shows the land between Buttercup Crescent and Jocelin Drive as unregistered. Should residents have documentation which shows that the land partially belongs to them, they should contact land registry who can amend their records accordingly.

The provisional TPO was served due to the excessive works carried out to one tree outside the ownership of the resident. The TPO will ensure that if trees are permitted to be removed or pruned, then they are done so to the relevant British Standard and for correct reasons thus protecting the trees for future generations;

2. It is common for trees to shed twigs and leaves during high winds; in fact, this forms part of the trees defence in strong winds. Nor is it unusual for mature trees to contain deadwood. However, if it is proved that a tree is dangerous, the Council would not prevent the removal or pruning of the tree. No professional evidence has been submitted to demonstrate at this time that any of the TPO'd trees are in fact dangerous;

3. The trees form a belt that is visible from Buttercup Crescent, Jocelin Drive and the surrounding footpaths. They are also visible from residential properties. As such, the trees have clear visual amenity value and contribute to the wooded character of the area;

4. The TPO was served to prevent the further unjustified loss of the tree stock. Pruning or even felling works will be permitted if justified;

5. Given the location of the trees to the south of the properties in Buttercup Crescent, it is likely that these properties will suffer from some loss of light. However, this is not a reason on its own to allow the order to lapse. Should applications be made, consideration will be given to permitting the lifting of lower laterals which would increase light levels into the properties.

6. The properties in Buttercup Crescent were constructed in the early part of the 21st century. As such, they should have been constructed to NHBC standards which would take into account surrounding vegetation when designing foundations. As such, the likelihood of vegetative subsidence is unlikely.

The drainage for the property should also have been constructed using modern plastic pipelines. These are more resilient to root damage than traditional clay pipes. However, should pipes become damaged and this is proved to be down to root ingress, then root pruning would be permitted.

7. The land is not owned by North Somerset Council. As such, it does not accept liability for and the maintenance of the trees.

DECISION:

That Tree Preservation Order 1037 is confirmed without modification.

Reasons:

1. The trees are visible to the general public and contribute to the green infrastructure and biodiversity of the area.
2. The trees appear to be in reasonable condition with reasonable life expectancy.
3. Recent excessive pruning work, which went beyond that which is permitted under common law, has meant that it is necessary to protect all the trees within the area highlighted to prevent their loss or further excessive pruning. The loss of the trees will

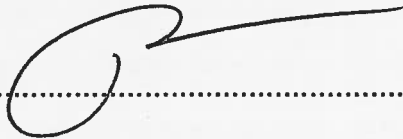
have a detrimental effect on the visual amenity value of the area. The trees are therefore considered to be under threat and the making of the Tree Preservation Order will ensure that any proposed work is consistent with good arboricultural practice and in the interests of public amenity.

4. The Tree Preservation Order will ensure that the local planning authority has adequate control over proposals to prune, remove or otherwise damage trees, in the interest of public visual amenity.

Other Alternatives Considered:

None.

Signed.....



John Flannigan
Community and Environment Services
Manager, Natural Environment, Streets
and Open Spaces – on behalf of and
exercising the powers of the Director of
Development and Environment.

Dated.....

17/8/16

