REPORT SUMMARY

TREE PRESERVATION ORDER NO: 0016/2017/TPO

ADDRESS Oakfield Court Camden Hill Royal Tunbridge Wells Kent TN2 4TG

<table>
<thead>
<tr>
<th>TPO Served (Date):</th>
<th>TPO Expiry Date</th>
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<tbody>
<tr>
<td>06.11.2017</td>
<td>03.05.2018</td>
</tr>
</tbody>
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Served on:
Flat 1, Oakfield Court, Camden Hill, Royal Tunbridge Wells, Kent

Copied to:
GIS Team TWBC
Land Charges Team

Representations
Support: 0
Objections: 1

RECOMMENDATION: CONFIRM

SUMMARY OF REASONS FOR RECOMMENDATION:
Permission was given to fell the tree, but it subsequently came to light that the original TPO had not been Confirmed (made permanent). This TPO needs to be Confirmed for an Appeal against the replacement of the tree to proceed.

REASON FOR REFERRAL TO COMMITTEE
All TPOs with unresolved objections are presented to the Planning Committee for decision if the recommendation is to Confirm.

WARD Park
PARISH/TOWN COUNCIL N/A
SITE OWNER Jointly owned by Flats 3, 5, and 6

DECISION DUE DATE N/A
PUBLICITY EXPIRY DATE Various
OFFICER SITE VISIT DATE Various

RELEVANT PLANNING HISTORY

Planning Application

<table>
<thead>
<tr>
<th>Reference</th>
<th>Proposal</th>
<th>TPO Served</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/00881/TPO</td>
<td>T1 - MONKEY PUZZLE - Fell; T2 - OAK - Reduce crown by approx 2-3m in height and 2m in width, crown lift to 4m; T3 - BEECH - remove deadwood and crossing limbs</td>
<td>Invalid</td>
<td>16/10/14</td>
</tr>
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</table>
14/501333/TPO  | Proposal: T1 - monkey puzzle - fell - keeps shedding large limbs, crown unsuitable for reduction. | Lesser works approved (removal of 5 longest over-extending lateral branches and removal of dead, dying, crossing and competing branches). | 04/09/2014

5020/2015/TPO | New TPO | Not Proceeded with

17/00949/TPO  | Monkey Puzzle - Fell | PER | 19/06/17

17/00045/COND | Monkey Puzzle - Fell | Invalid Appeal against tree replacement.

0016/2017/TPO | TPO | TPO Served | 03/11/2017

**MAIN REPORT**

1.0 **DESCRIPTION OF SITE**

1.01 Oakfield Court is on Oakfield Road, which is North of Camden Hill, and within the Tunbridge Wells Conservation Area.

1.02 The Monkey Puzzle tree is situated approximately 3.8m to the West of Oakfield Court.

2.0 **BACKGROUND**

2.01 08/03345/TREECA was made for the felling of the tree on the basis that it leaned toward the property. It was recommended by KCC (who looked at the tree on our behalf) that a TPO be made. TPO 033/2008 was made, but subsequently lapsed.

2.02 A following this, a further valid application was made to fell the tree (14/501333/TPO). No evidence was submitted to show the tree was dangerous and lesser works were agreed to reduce the risk of branches or the crown failing.

2.03 In 2015, during a mini-TPO Review, we realised that this TPO had not actually been Confirmed, and so a new TPO was made, but not proceeded with.

2.04 17/00949/TPO was received for the felling of the tree citing the danger of falling branches. Given the long history of concern about the tree from residents (although there had always been a lot of support for it locally as well), it was felt prudent to allow the tree to be removed as long as a replacement was planted, and so a Condition was attached to the approval for this purpose.

2.05 The applicant has appealed against the Condition on the basis that they think asking for a replacement tree is unfair and unnecessary.
2.06 The Planning Inspectorate asked that we ensure that a Confirmed TPO is in place so that the Appeal against the Condition may progress. This new TPO was therefore made to expedite the process; however objections to the TPO were received, and so it could not be automatically Confirmed.

3.0 LOCAL REPRESENTATIONS

3.01 The TPO was served on all the flats in Oakfield Court.

4.0 OBJECTIONS

4.01 The objections are summarised below with the response to each objection being made in italics.

Objection 1 – The tree is a health and safety concern and drops branches.

This tree, like most trees, will drop branches from time to time. The Council has no objection to weakened and over-extended branches being removed to reduce the incidence of this.

Objection 2 – The needle like points on the trunk and branch scales are a potential danger, and one other Council has felled a similar tree for this reason.

Each tree has to be judged on its merits. This species of tree does have sharp scales, but so do many others, and education of children to the potential dangers of particular trees is often better than removing landmark trees.

Objection 3 - The tree is top heavy, and worsening weather in the Northern hemisphere is a cause of worry. A similar tree fell on a house in Sevenoaks in 1987.

Changes in weather patterns have not become so pronounced that there have been any resultant changes in urban tree management. The storm of 1987 was particularly unusual in terms of its impact and the loss of a Monkey Puzzle tree in Sevenoaks, which was particularly hard hit, does not really justify the loss of this tree.

Objection 4 – The tree is not native to the UK (coming from Argentina and Southern Chile) and does not fit into a typical British garden. It drops debris, and its roots will already have damaged the foundations of the property.

Monkey Puzzle trees are native to South America (they are also known and Chilean Pine) but have been widely planted in the UK since Victorian times. They often feature in Victorian aged developments. Most trees drop debris of some kind. It is unlikely that the roots of the tree would affect the foundations, but if they were found to be doing, then any application to carry out works would be considered on its merits.

Objection 5 - The application to fell the tree has already been approved and should stand.

There is no intention to change the decision to allow the tree to be removed. The purpose of Confirming the TPO is to ensure that the Appeal against the Condition requiring that the tree to be replaced can be processed.
5.0 APPRAISAL

5.01 The tree makes a positive contribution to the visual amenity, and to the character of the Conservation Area.

5.02 The tree has been under pressure for a long time with some of the residents wishing to fell it, but with some of the wider public wanting it to remain. The Council had until recently resisted the moves to have it felled.

5.03 The original TPO which was put on the tree because of a Conservation Area Notification to fell it had not been confirmed. This meant that when the latest application to fell it was approved, an Appeal against a Condition that it be replaced could not be processed.

5.04 A new TPO was made so that the Appeal could proceed once the TPO was Confirmed.

5.05 This report then is to recommend the Confirmation of the TPO, not to prevent the tree being felled, but to ensure that the Appeal against the Condition to replace it can proceed.

6.0 RECOMMENDATION

6.01 That TPO 0016/2017 Oakfield Court, Camden Hill, Royal Tunbridge Wells which was made on 3rd November 2017 be confirmed without modification.

Appendices:

TPO Plan
TPO Schedule