

PLANNING COMMITTEE

18 AUGUST 2016

CONFIRMATION OF TREE PRESERVATION ORDER 2165 – LAND AT
TRELISSICK, COLDEN COMMON, SO50 6HW.

REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

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RECENT REFERENCES

None.

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 2165 to which 1 letter of objection has been received to each TPO.

RECOMMENDATION:

That, having taken into consideration the representations received, Tree Preservation Order 2165 be confirmed.

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DETAIL:

- 1.1 The Council received a request to serve a Tree Preservation Order by email from the Parish Council and then by a verbal request from a Councillor. Concerns were expressed over the development and its relation to the trees on site.
- 1.2 The Arboricultural Officer visited the site on 8 March 2016 and a provisional Tree Preservation Order was made on 11 March 2016, which will expire on 7 September 2016 unless it is confirmed.
- 1.3 This matter comes to Planning Committee because one letter of objection has been received.

SUMMARY OF OBJECTION LETTER:

- 1.4 Misleading information and incorrect information. The council refers to "a tree," singular, in its reasons for serving the order whereas all other documents refer to two. Location information in relation to T2 is incorrect.
- 1.5 Expediency. Reason for objection – Mr Thomas is a good custodian of mature trees in his ownership. Recent felling of a mature oak was requested by the Highway Authority under section 154 of the Highways Act. Existing planning consent provides protection for the trees under Condition 6.
- 1.6 Quality and suitability of the trees. Reasons for objection – the trees have significant and sizable dead wood and noticeable thinning of crown density which may indicate a limited retention span. The neighbouring tree to the north was considered dangerous by the Highway Authority and was not dissimilar in condition. The trees have noticeable defects including evidence of limb failure.
- 1.7 Amenity assessment. Reason for objection – when using a nationally recognised tool, the trees do not accrue an amenity assessment score that warrants a TPO.

SUMMARY OF SUPPORT LETTERS:

- 1.8 No items of support have been submitted to the Local Planning Authority.

ARBORICULTURAL OFFICER'S RESPONSE:

Misleading and incorrect information.

- 1.9 The incorrect information is the result of an administrative error while documenting the TPO and can be corrected upon confirmation.

Expediency

- 1.10 It is expedient, in the interests of amenity, to make provision for the preservation of these trees due to the recent granting of a Lawful Development Certificate that confirms that a planning permission for the construction of two dwellings on the site has been implemented and therefore two dwellings can be built on the site.
- 1.11 No conditions in the granted planning permission protect these trees from development. Although condition 6 of the planning permission protects these trees from the *“felling, topping, or lopping with out previous consent of the Local Planning Authority,”* this is insufficient to protect the trees from development as there is no sanction if the condition is breached .
- 1.12 The recognised procedure to protect trees from construction activities is to serve a Tree Preservation Order. Planning conditions should not be used to protect trees and as such, condition 6 does not offer sufficient protection for the trees.
- 1.13 In the Planning Practice Guidance it states that orders should be made in respect of trees where it appears necessary, in connection with the granting of planning permission in order to ensure the protection and or the replanting of replacement trees.
- 1.14 Policy DP4 states: *“In order to maintain or enhance the district’s townscape and landscape, development will not be permitted where it will detract from, or result in the loss of: (iii) trees and hedgerows.”* Although the current granted planning permission does not result in the removal of any trees, it will affect them, hence the need for more robust protection that includes protection from future development.
- 1.15 Paragraph 3.33 of DP4 states: *“Where the trees are to be retained, their relationship with the development should be carefully considered to ensure their future wellbeing. In particular, there should be no intrusion on the canopy or root spread and adequate space should be allowed for future growth. Proposals that could lead to subsequent pressure for removal, or the premature demise of trees, should be avoided.”*

- 1.16 Paragraph 3.35 of DP4 states: "*The management and protection of trees and hedgerows in the District will be given high priority. The City Council will continue to serve Tree Preservation Orders where appropriate.*"
- 1.17 It is important to note that although planning permission has been granted and implemented, the outline of the proposals can be changed going forward, strengthening the need for protecting these trees through the TPO process.
- 1.18 The confirmation of a TPO will ensure high quality of work and that reasonable management works are undertaken following the guidance outlined in *BS3998:2010 Tree work recommendations* and supported by sufficient justification.

Historical significance

- 1.19 The Colden Common Village Design Statement states that Upper Moors Road is one of the oldest thoroughfares in the village. The trees and hedges which line the section between Church Lane and Tees Farm Road, where they still exist, grow on high banks which are a characteristic of ancient trackways. This, although not a sufficient point to warrant a TPO, does however, with the recommendation of the Secretary of State, offer such importance as to be taken "*into account other factors, such as importance to nature conservation, "rarity, cultural or historic value."*

Quality and suitability of trees

- 1.20 T1 is a large mature tree located to the front of the property. The tree fronts onto the Upper Moors Road with 50% of its canopy stretching over one lane of the road. Colden Common School is located to the east with its vehicle entrance situated directly opposite T1.
- 1.21 It has been noted that T1 has a sparse top section of the canopy. This can be a sign of the canopy decreasing in size in order to preserve a more compact overall canopy. This strategy can be a positive sign of retrenchment, a natural process that is a sign of the tree reducing its canopy cover in order to accommodate its surrounding pressures.
- 1.22 Oak trees generally have a life span of 200-300 years but are frequently known to live for much longer periods. In this case, the tree is estimated to be between 80 and 100 years old, with a further 40 – 100 year life span.
- 1.23 Oak trees support more life forms than any other native trees, hosting hundreds of species of insect, and supplying many British birds with food sources. Therefore by ensuring the protection of these trees, biodiversity within the area will be maintained and enhanced.
- 1.24 These trees are in close proximity to the local school, housing estate and parish council owned play park and therefore their protection will

benefit a number of people who live, play and go to school in close proximity to the trees.

- 1.25 The estimated safe and useful life expectancy of T1 is approximately 40 - 100 years and may very well exceed this time frame.
- 1.26 T2 is located towards the north easterly corner of the land. It has a narrower canopy form than T1 yet still retains the same significance in the street scene. A large proportion of its lower canopy stretches over both carriageways on Upper Moors Road. Its canopy can, much like T1, be seen in full from the both carriageways of Upper Moors Road yet predominately from the South facing left hand carriageway.

Amenity Assessment

- 1.26 It is the Secretary of State's view, that Tree Preservation Orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.
- 1.27 Both trees that are subject to this TPO can be seen from a public place; a footpath, and a two carriageway road, both serving Colden Common Primary School. The trees are significant in the street scene and can be seen in full view from both carriageways. Their visibility from the public footpath that runs on the easterly side of the road is significant. In particular, T1's easterly facing canopy can be seen in full view when exiting the vehicle access road that serves the primary school.
- 1.28 As they stand, they offer a present and future contribution to the surrounding area, through their biodiversity and environmental benefits of air quality improvement, rain fall dissipation, and their contribution of species enrichment to the surrounding area.
- 1.29 Furthermore, and taking into consideration the proposed development, they will serve as part of a varied screen of vegetation to any potential future development. These factors contribute to "*a reasonable degree of public benefit*," as stated in Charles Mynors – The Law of Trees, Forests and Hedges – Second edition 2002.
- 1.30 The Secretary of State's Planning Practice Guidance states: "*When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way.*"
- 1.31 Two amenity assessments have been carried out to support the recommendation of the Local Planning Authority that a TPO is confirmed.
 - 1.31.1 *Amenity Evaluation for Tree Preservation Orders.* This system incorporates methods of evaluation and includes the three relevant criteria as identified in the Planning Practice Guidance (1) Visibility, (2) Individual impact and (3) Wider impact. A benchmark total score of 15 is appropriate to indicate that a tree

is worthy of inclusion in a TPO. The resulting score for both trees in this case was 21.

- 1.31.2 A second assessment was carried out using the Tree Evaluation Method for Preservation Orders (TEMPO). The bench mark score for this system is 15+ points. The tree assessment result after undertaking the survey was 17 points for both trees, therefore definitely meriting a TPO.

Serving of a 154 notice by Hampshire County Council Highways Authority

- 1.32 One objection to the confirmation of this TPO is that the landowner is a good custodian of mature trees in his ownership and the example given to support this view was the request by the Highways Authority to fell a mature oak.
- 1.33 In all situations Hampshire County Council Highway Authority only serve a 154 notice if, in the interests of safety, the tree(s) is a danger to the highway and they consider the owners have not taken the necessary precautions to ensure that any obvious safety threats to the public highway are remediated. The 154 notice in this situation refers to the tree being in significant decline with large deadwood greater than 100mm in diameter present in the tree over a frequently used public highway and as this had not been removed, the County Council felt it necessary to serve the 154 notice.

OTHER CONSIDERATIONS:

2. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

The confirmation of this Tree Preservation Order will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area.

3. RESOURCE IMPLICATIONS:

There are no financial implications for the City Council.

4. RISK MANAGEMENT ISSUES

There are no risk management issues for the City Council

BACKGROUND DOCUMENTS:

Tree Preservation Order 2165 – Trellissick, Upper Moors Road, Brambridge, Eastleigh, Hampshire (2016)

Colden Common Village Design Statement (2012)

Planning Practice Guidance - Tree Preservation Orders and trees in conservation areas

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

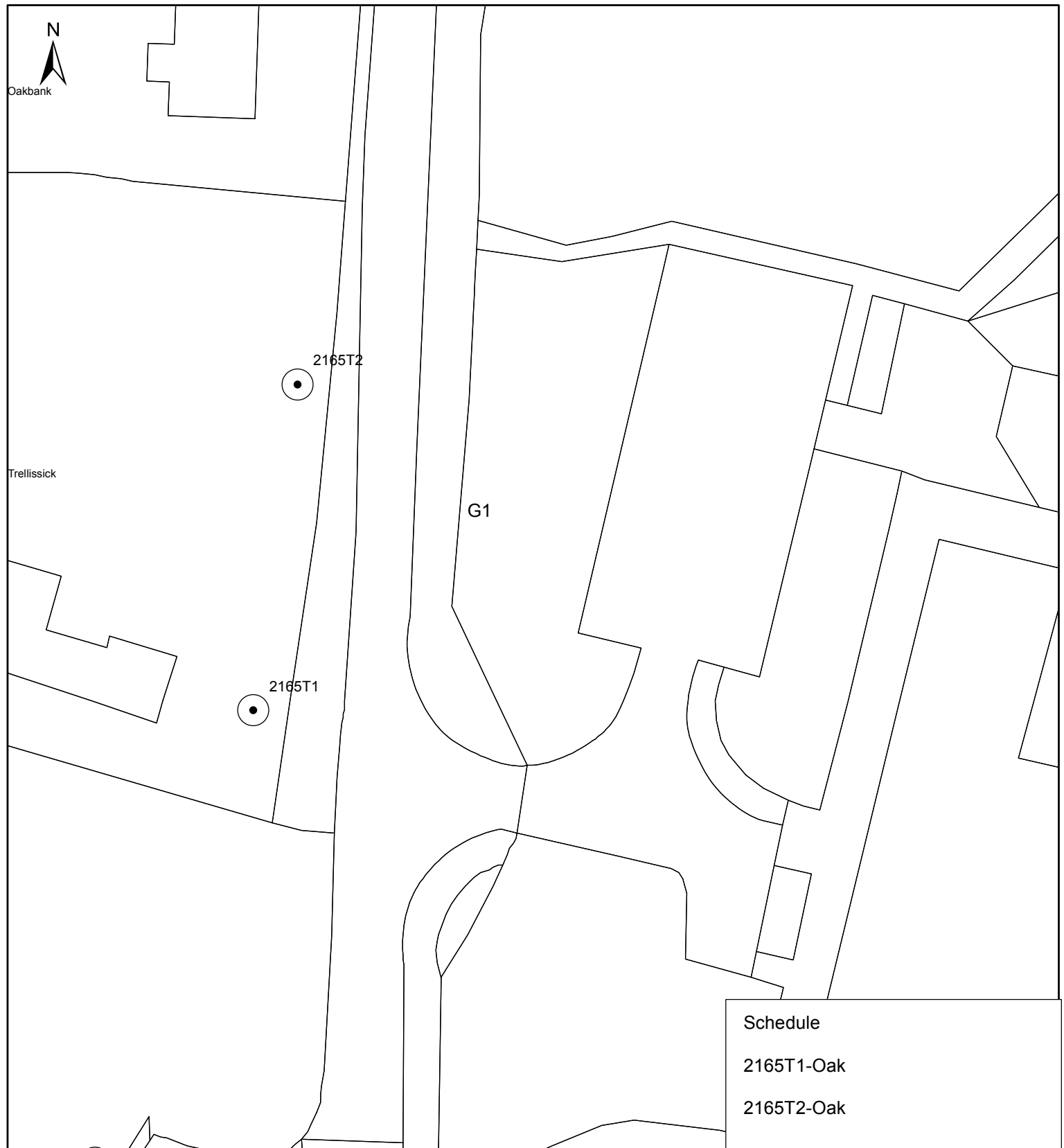
Charles Mynors – The Law of Trees, Forests and Hedges, Second Edition (2002)

Torbay Council – Amenity Evaluation for Tree Preservation Orders

Forbes-Laird Arboricultural Consultancy - Tree Evaluation Method for Preservation Orders (TEMPO) (2009)

APPENDICES:

Appendix 1 Map.



Schedule

2165T1-Oak

2165T2-Oak

A1 Area

G1 Group

W1 Woodland

T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990

Section 198 - 201

Tree Preservation Order No. 2165

Trellissick
Location: **Upper Moors Road**
Brambridge
Eastleigh
SO50 6HW

OS Grid: 5711

Scale: 1:1,000

Date: 9th Feb 2016



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