

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2207 –
LAND ADJACENT FIELDHOUSE, CHAPEL ROAD, SOBERTON, HAMPSHIRE

27 JULY 2017

PORTFOLIO HOLDER: Councillor Caroline Brook, Portfolio Holder for Built
Environment

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WARD(S): CENTRAL MEON VALLEY

PURPOSE

To consider confirmation of Tree Preservation Order 2207 to which six letters of objection, and one letter in support of the TPO have been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2207 is confirmed.

IMPLICATIONS:**1 COMMUNITY STRATEGY OUTCOME**

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

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the City Council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to the protected tree and where that application is refused.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

- 6.1 There has been six letters of objection to the TPO, and one letter of support, which are summarised in this report.

7 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other</i>		

8 SUPPORTING INFORMATION:

- 8.1 This matter comes to Planning Committee because objections to making the TPO have been received and have not been withdrawn.

- 8.2 One letter of support for the TPO has been received.
- 8.3 The Council received notification, that an arboricultural contractor had removed a large limb from an Oak tree (*Quercus robur*) and that they were planning to do more works to the trees in the land adjacent to Fieldhouse, Chapel Lane, Soberton, Hampshire.
- 8.4 A tree officer visited the site on 11 May 2017 to undertake an assessment of the site, the trees and the works being carried out.
- 8.5 The tree officer met the contractor on site and instructed the contractor to retain the three oak trees now subject to TPO 2207.
- 8.6 The area is not in a conservation area and therefore no notification to the council was submitted.
- 8.7 If trees are not protected by a TPO no notification or application to the Council is required to carry out any works to them.. If the trees are protected by a TPO then a formal application will be required before works can be carried out unless the works are exempt i.e. removal of deadwood and/or to abate a nuisance.
- 8.8 Whilst on site, the trees were assessed as having a high public visual amenity value and the three trees are worthy of an individual TPO, having scored 17, 17 and 19 – “definitely meriting a TPO” - in the Tree Evaluation Method for Preservation Orders (TEMPO).
- 8.9 A TPO was made on 24 May 2017, served on 26 May 2017 and will expire on 23 November 2017 unless it is confirmed.

Summary of Objection Letters

- 8.10 A TPO is not required to protect these three oak trees. Written reassurance and evidence in the form of letters from people in the village has been provided to the Council.
- 8.11 There is no significant, if any, amenity benefit to the local area.
- 8.12 Oak trees in this part of Hampshire are not under threat.
- 8.13 There are many other oak trees in the same land/road/village that do not have a TPO on them.
- 8.14 There is no evidence whatsoever to suggest that the owners will ever damage, harm, or cut down the trees.
- 8.15 The public right of way is predominantly used for access/border maintenance by the occupants of the two adjoining properties.
- 8.16 If a TPO is confirmed it is extremely likely that the Council will be contacted every time anything is done to the trees.

- 8.17 The restrictions of a TPO are heavy handed and totally unnecessary whilst the trees are in our care.

Summary of Support Letter

- 8.18 The Council's initiative and action is appreciated.
- 8.19 Agreement with the Council's statement "the trees are prominent in the public right of way and contribute to the character and amenity of the area."
- 8.20 The trees form a natural and established line from the housing along Chapel Road. They also form a natural break and visual glimpse which is an important aspect highlighted in the Village Parish Plan.
- 8.21 The quality of the trees is emphasised by their presence as a group rather than as individual trees.
- 8.22 The trees are greatly appreciated by village residents, but also by the many users walking the footpath alongside them.
- 8.23 The efforts of the council and the tree owners to preserve the trees for future generations are appreciated.

Arboricultural Officer's Response

- 8.24 Written reassurance, although helpful, does not protect these trees from being cut down. The trees are not in a conservation area and therefore no notification whatsoever to the council is required if works are to be carried out to these trees.
- 8.25 Government guidance states that "orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public."
- 8.26 Amenity is not defined in law, however on this occasion the officer made a visual assessment and subsequently undertook a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The results of the TEMPO assessment are as follows:

Condition & suitability for TPO	Good	Highly suitable	T1 – 5, T2 – 5, T3 - 5
Retention span (in years)	40 – 100	Very suitable	T1 – 4, T2 – 4, T3 – 4

Relative public visibility & suitability	Very large trees with some visibility, or prominent large trees	Highly suitable	T1 – 5, T2 – 3, T3 – 3
Other factors	Principle components of formal arboricultural features, or veteran trees	N/A	T1 – 3, T2 – 3, T3 – 3
Expediency assessment	Perceived threat to tree	N/A	2
Total			T1 – 19 Definitely merits TPO T2 – 17 Definitely merits TPO T3 – 17 Definitely merits TPO

- 8.27 Whether a tree genus is under threat in the local area, although considered, is not in this case a significant reason for making or not making a TPO. Similarly the fact that other similar trees in the area are not covered by a TPO is not a defining criterion as to whether a TPO should be confirmed.
- 8.28 As the trees are in close proximity to a public right of way and the road, they are of sufficient public benefit and public visual amenity value.
- 8.29 The TPO does not prevent maintenance, or felling works from being carried out, as long as the Council receives a valid application which justifies the works requested.
- 8.30 The concern noted by the objector is correct in that the Council will need to be contacted every time work is proposed. However, this is part of the role of the Council and ensures that any works undertaken are done so in line with best practice and Government guidance.
- 8.31 In summary, if the TPO is confirmed it will ensure that any works that are not exempt from the TPO legislation will be subject to an application and will have to undergo a public consultation period and be considered by the Council. This process also ensures that any permitted works can be suitably

conditioned, and if the trees must be removed, the TPO legislation enables the Council to ensure that the trees are replaced with new tree planting.

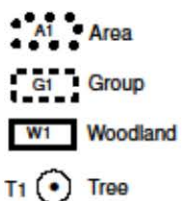
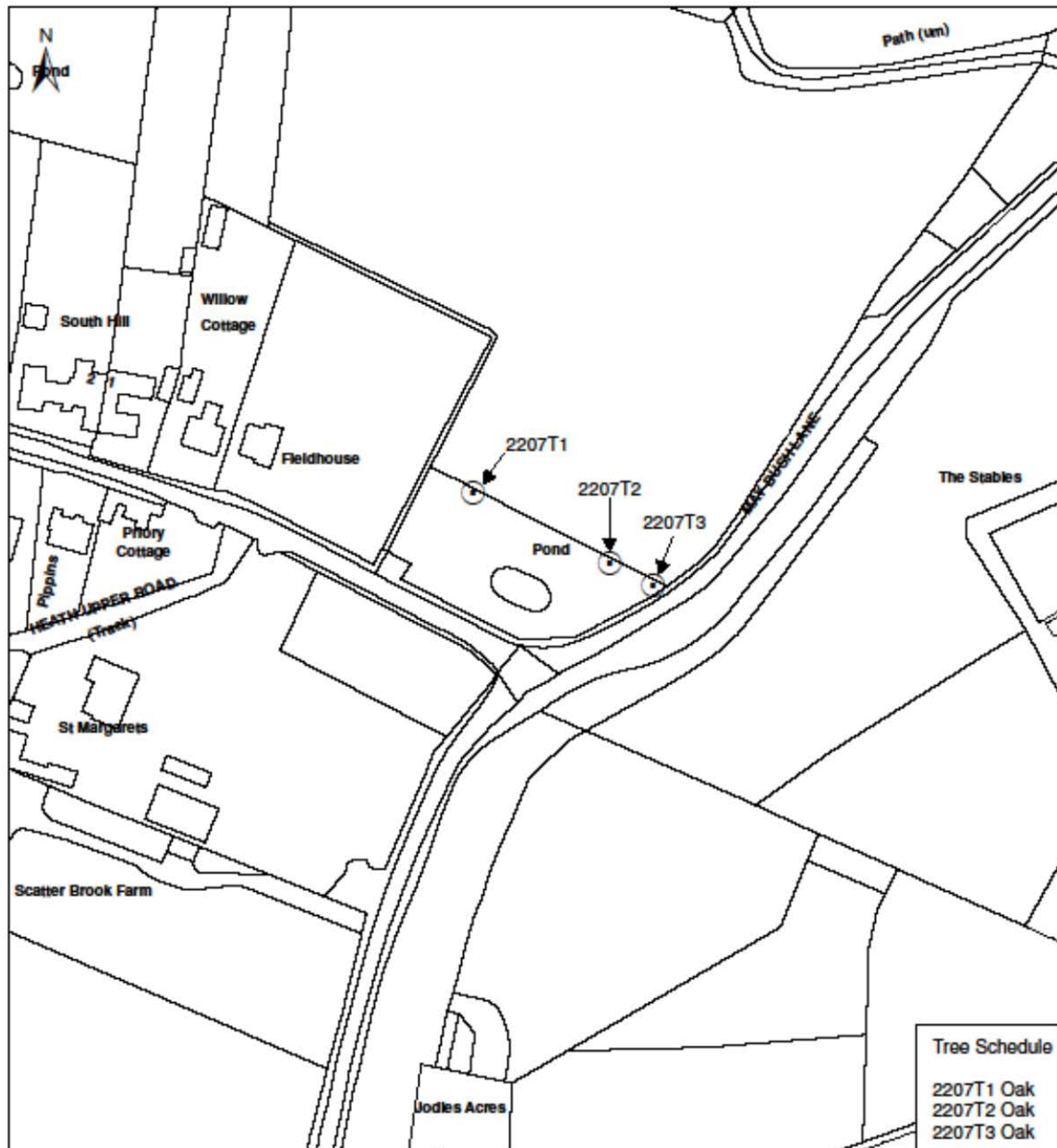
BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

Other Background Documents:-

APPENDICES:

Appendix 1 Plan



TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2207

Location: **Land adjacent Fieldhouse
Chapel Road
Soberton
Hampshire**

OS Grid: 5711 Scale: 1:1,000 Date: 12th May 2017



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