

	Tree Preservation Order
TPO No.	TPO 263/2019
Site Address	Front verge at entrance to Shaftesbury Crescent, adjacent to 283 Ashford Road, Laleham, TW18 1QR
Date Served	9 May 2019
Expiry Date	9 November 2019
Ward	Riverside & Laleham
Executive Summary	Confirmation of TPO 263/2019
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 9 May 2019 Tree Preservation Order 263/2019 was served with immediate effect to protect one multi-stemmed Sycamore tree on this site.

2. Background

- 2.1 The Sycamore tree is located in a brick planter on the grass verge at the entrance to Shaftesbury Crescent, adjacent to 283 Ashford Road, Laleham.
- 2.2 Following receipt of an outline planning application, 19/00379/OUT, for the erection of a two storey detached dwelling with associated parking and amenity space, the Tree Officer assessed the trees on site.
- 2.3 Although the planning application did not show this tree to be removed, the Tree Officer considered that if the development were to go ahead there could be a significant threat to its viable retention as significant tree surgery was proposed which would potentially damage the tree's shape and form.
- 2.4 Assessment of the Sycamore showed it to be a young mature multi-stemmed specimen, which appeared healthy and stable with no obvious defects. The tree is highly prominent in the street scene from Shaftesbury Crescent and Ashford Road.
- 2.5 A TPO was therefore served to protect the Sycamore because of its 'significant contribution to the visual amenities of the locality'.

- 2.6 The planning application has since been refused, although it is understood that the applicant is planning to submit an appeal.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties were served with copies of the Tree Preservation Order.
- 3.2 One representation has been received from the planning applicant/owner of the site. He has submitted a number of plans and photographs illustrating the proposed development (see Appendix 1 for his full comments), and has objected to the TPO on two main grounds which are summarised as follows:
- a) **Tree Evaluation Report (TEMPO)** – the objector considers that he was not made aware of the evaluation report being carried out and was not given the opportunity to see it. He considers that the assessment did not accurately reflect the actual proposed works and thereby incorrectly assessed the impact of the proposed development on the tree. He disagrees with the way the tree has been scored on the TEMPO assessment.
 - b) **Current required works and ongoing works** – the objector considers that the tree has not been cared for and the attractive shape has been compromised. He considers that the proposed work will improve the overall shape and appearance of the tree. He further considers that the proposed development does not represent a threat to the tree and that he has put forward proposals to ensure retention of the tree.
- 3.3 For these reasons he considers that the proposed Order would be inappropriate and should not be confirmed.
- 3.4 The inclusion of this particular tree within a TPO does not preclude appropriate remedial work being carried out which may benefit its appearance or amenity value. Neither would it necessarily prevent development from proceeding. It would, however, ensure that the tree would not be removed prematurely and that any planning application on the site properly takes into account the potential impact on the tree so that its long term amenity value can be safeguarded.
- 3.5 The consideration of whether the tree should be included in a TPO is separate from the consideration of the planning application and separate from the consideration of any possible future remedial pruning. The only issue is whether the tree is of sufficient amenity value to be preserved and whether it is expedient in the circumstances to confirm the Order.
- 3.6 The Tree Officer has confirmed that he raised concerns about the potential impact of the proposed development on the tree both above and below ground. It is standard practice in situations where there is a possible threat to a tree to consider the merits of making a TPO by carrying out a TEMPO assessment (copy attached). The method provides a standard approach and provides a certain level of objectivity to indicate the merits of a tree. In this particular case the combined scores suggested that a TPO would be appropriate.
- 3.7 The Tree Officer agrees that the tree could benefit from some minor remedial work and this TPO would not prevent permission being granted for any beneficial work. It is considered that development of this site could present a threat to the tree and the confirmation of the TPO would ensure that any proposal properly takes account of the tree so that its long term survival and amenity value can be preserved.

Recommendation

- 3.8 Tree Preservation Order 263/2019 be confirmed without modification.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS ASSESSMENT

Surveyor: Stewart Bee **Date:** 8 May 2019
Owner: _____
Location: Front verge at entrance to Shaftesbury Crescent, adjacent to 283 Ashford Road
Tree species: T1 Sycamore (multi-stemmed)

PART 1: AMENITY ASSESSMENT

A) Condition and suitability for TPO (NB: Refer to guidance note for definitions)

Score	Condition	Suitability	Notes
5	Good	Highly suitable	Multi-stemmed from ground level appears healthy and stable with no obvious defects
3	Fair	Suitable	
1	Poor	Unlikely to be suitable	
0	Unsafe	Unsuitable	
0	Dead	Unsuitable	

B) Remaining longevity and suitability for TPO (NB: Refer to 'Species guide in guidance note)

Score	Age	Suitability	Notes
5	100+	Highly suitable	Trees is a young mature specimen, some damage is being caused to the brick planter that the tree is growing in, this may possibly become lead to a compensation claim
4	40 -100	Very suitable	
2	20 - 40	Suitable	
1	10 – 20	Just suitable	
0	<10	Unsuitable	

C) Relative public visibility & suitability for TPO (NB: Consider future potential refer to guidance note)

Score	Visibility	Suitability	Notes
5	Very large or large trees that are prominent landscape features	Highly suitable	Highly prominent in Shaftesbury Crescent and from Ashford Road when passing entrance
4	Large/medium trees clearly visible to the public	Suitable	
3	Medium/larger trees with limited view only	Just suitable	
2	Small/larger trees visible only with difficulty	Unlikely to be suitable	
1	Trees that are not visible to the public, regardless of size	Probably unsuitable	

D) Other factors (NB: Trees must have accrued 7 or more points (no zeros) to qualify)

Score	Factor	Notes
5	Principal components of arboricultural features, or veteran trees	None
4	Members of groups of trees that are important for their cohesion	
3	Trees with significant historical or commemorative importance	
2	Trees of good form, especially if rare or unusual	
1	Trees with none of the above additional redeeming features	

PART 2: EXPEDIENCY ASSESSMENT (NB: Trees must have accrued 9 or more points to qualify)

Score	Expediency	Notes
5	Known threat to tree	Planning Application 19/00379/OUT does not show the tree removed but is considered to pose a significant threat to its viable retention, significant tree surgery is proposed which will ruin the trees shape and form
3	Perceived threat to tree	
2	Reasonably foreseeable threat to tree	
1	Threat to tree not reasonably foreseeable	
0	Tree known to be an actionable nuisance	

PART 3: DECISION GUIDE

Score	TPO	Total	Decision
Any 0	Do not apply TPO	3+4+2+1+5=15	
1-10	Does not merit TPO		
11-13	Possibly merits TPO		
14+	Definitely merits TPO		

Signature: _____

FOR OFFICE USE ONLY:

TPO Reference No:

Tree Number

File Reference

Case officer

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Gary Rolfe- The Old Chapel Newfound Basingstoke Hampshire RG23 7HH
(Landowner of the site)

Tree Preservation Order – 263/2019

Front Verge at entrance to Shaftesbury Crescent, adjacent to 283 Ashford Road Laleham TW18 1QR

OBJECTION to ORDER

As provided in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 I object to this order.

In compliance with Regulation 6 of the above regulations I confirm

- a) The regulation ii) is deemed varied by the order to provide for this objection by email.
- b) The tree this objection relates to is tree T1, the single tree in the order.
- c) The reasons for the objection are detailed below.

Background.

As landowner, I support the principle of meeting our housing need by utilising sites within urban areas in preference to greenfield development, and to this end have submitted an outline application for a small two bedroom detached dwelling adjacent to the tree T1.

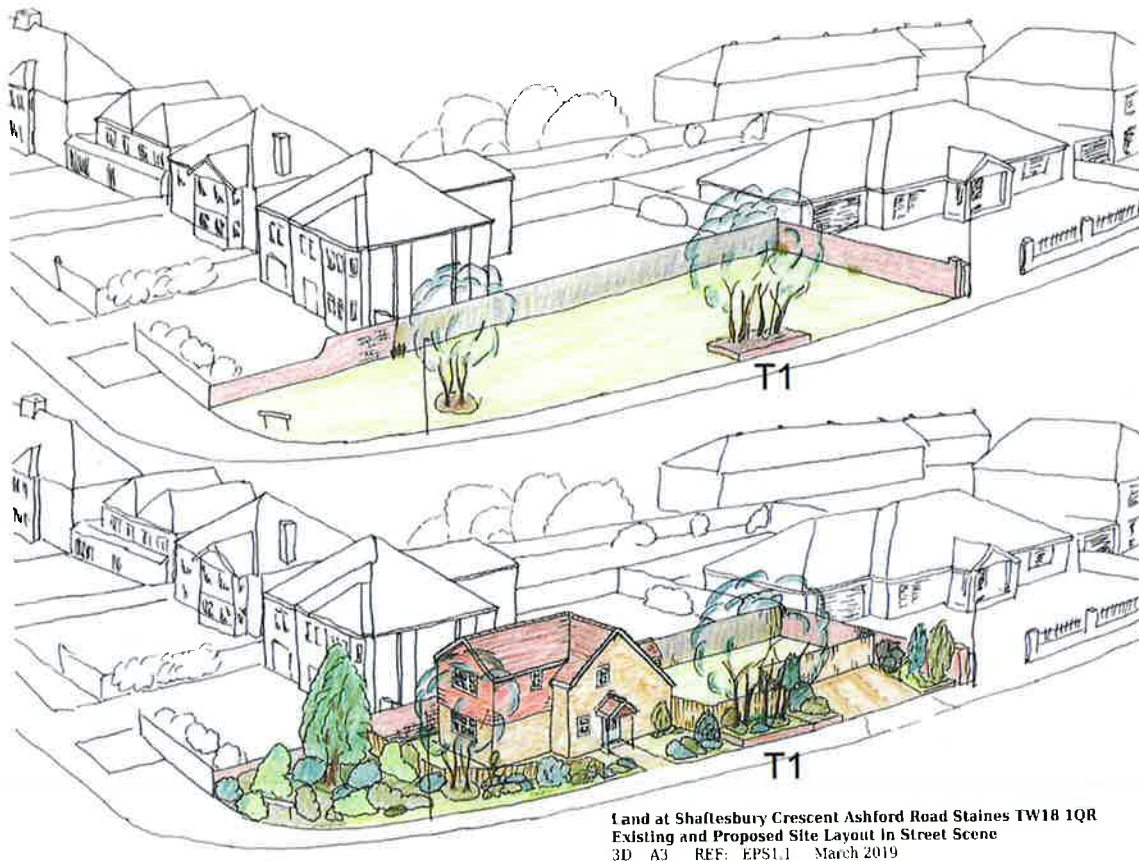
As the application is outline, the full impact of the development cannot be precisely assessed as the size, location or character of any development has not yet been established.

The application sets out a proposal to work with the Council in all future works relating to the trees on the site, proposes to add a further significant tree on the site (the applicant had in mind to look at the suitability of the new resistant Elm) and the assessment acknowledges the importance of the tree to the locality.

To assist the visualisation of the proposed dwelling in the outline application an example of a suitable dwelling was included. The final size or location was not set and no Arboricultural Impact Assessment provided.

As required by the planning department a basic The Tree report was provided at this stage which merely outlined details of the trees on the site and the basic measures to protect them during any works.

I wish to emphasise that no proposals have been made that in any way threaten the trees on the site. No trees are proposed to be felled (despite about 20 objections claiming they would be) and an additional tree and substantial planting is proposed.



The illustration above was provided in addition to the usual block plans and elevations required to show the vision for the site of a much greener site with a great deal of additional planting.

The tree T1 in the TPO has now been marked for clarity. As shown the tree will be mainly adjacent to the undisturbed garden of the proposed dwelling. The dwelling will only have a single storey corner nearest to the tree (some 2.5-3m distant from the tree).

As for the tree itself. It is in a limited space with such limitation being the adjacent road and footpath. Unless the road is blocked off, the tree will not be able to fully mature with a natural spread of branches.

It is usual in urban areas to manage the growth and spread of trees in such situations with selective and planned pruning.

This tree has evidence of some cutback in the past but while in good health its maintenance has generally been neglected. It has a number of low branches growing towards the road that should be addressed and the key issue is that it has sent up a number of new low shoots that both spoil the appearance of the tree (it otherwise has an attractive group of around five upright stems).

OBJECTIONS

1. Tree Evaluation Report

Mr Stewart Bee on behalf of the council carried out a Tree Evaluation on 8th May 2019. I as applicant was not made aware of this, not given any opportunity to see this report and not given any information on what the Surveyor interpreted the outline application 19/0037/OUT to be.

While I do not doubt the professional opinion of the surveyor in any way, it does appear that either this interpretation of the application or any information provided to the Surveyor is wildly inaccurate and so the report does not reflect the true situation.

In Part 2. Expediency Assessment, the tree T1 is assessed as being subject to a "Known Threat". This "Known Threat" is inaccurate and the threat is not there. This section gives some notes with three key points that appear to be the reason for the assessment in this way.

The survey does not reflect the actual proposed works. In the notes the surveyor states it ***"Is considered to pose a significant threat to its viable retention."*** I have now compiled a basic proposal for the works to the tree in conjunction with the development. To summarise that proposal is to prune much less than 10% of the tree bulk with most of that being remedial work. The foundations are estimated to affect no more than 15% of the root area. Sycamore trees are very hardy and are often pollarded and cut back to a stem. They do not die and are certainly not threatened by the proposed works.

The Surveyor states ***"Significant tree surgery is proposed which will ruin the trees shape and form"***.

As outlined above, less than 10% is not "significant" and the proposed works are mainly to restore the shape of the tree and remove threats*.

(* I am advised that the low shoots that have grown out from the base at 45% are less stable and can break off at the base. This may then introduce disease or rot into the base. Good tree husbandry is to remove these stems).

It is noted that in both the TEMPO report and the Assessment of the Tree for TPO both dated 8th May 2019 the comments only relate to the above ground proposals and assessment.

However the surveyor also comments on the impact of the works on the root system in his response to the planning application but such concerns have not been included in either the TEMPO report or Assessment however such may have contributed to the assessment of impact so is addressed herein.

The TEMPO assessment wrongly scored the expediency as there is no threat and should score 1. This would then bring the overall score to 11 rather than 15 and so the decision guide should be that there is barely merit for the TPO. On a true score the tree would most likely not have triggered the TPO.

The surveyor states in his response to the planning application ***"Damage to the root system by the proposed dwelling foundations."***

The tree, while in a healthy condition is sited directly next to a road. This fact alone limits its long-term viability. The proposed dwelling is much further away from the tree and so far less limiting.

In an attempt to clarify the situation I recently passed the attached works proposal to the Surveyor, as I believe his interpretation of the works from the application to be not reflect the actual works I am proposing.

In his response the surveyor has supported his decision with further points that are also not given in the tree report. In an email to me of 5th June 2019 he states

"The ongoing requirements of any future occupiers with regards to the impact the tree will have on the enjoyment of their property, such as but not limited to light, debris etc."

It is therefore clear that the surveyor is basing his assessment on points not given in his report or notes and as with the above statement quoted, on points not related the actual tree itself but instead his presumption of the opinion of the occupiers of the dwelling. My view is that the occupiers will be in the same situation as countless other occupants who happily have a beautiful tree adjacent to their property.

The surveyor has not accurately reflected the proposed works. Wrongly deemed remedial work to be negative and based his decision on a number of unreported and unrelated factors.

This has biased the scoring and recommendations in the assessment and wrongly shown there to be a need for a TPO.

The TEMPO report is wrongly assessed and so the scoring wrongly triggers the need for a TPO. If correctly scored the TPO is very borderline.

2. Current Required Works and Ongoing Works

The tree has not been cared for and the attractive shape has been compromised. It is considered the proposed works will improve the overall shape of the tree and return it to its attractive tight group of vertical stems.

It is also noted that a number of branches reach out over the road and footpath and these are quite low. They are quite small at the moment but over time will pose a threat and danger to the road and so it is prudent to remove these sooner rather than later.

As noted above the tree is in a restricted position and its future retention and long life can be ensured not threatened by careful pruning to accepted and proven methods. To not carry out the urgent works would threaten and limit the viability of the tree.

As is certainly the case for trees in restricted urban spaces, ongoing husbandry to remove future low shoots at an early stage and to monitor and trim excessive growth over the road would give the tree its best chance for long term viability and retention. Such provision can be made in conjunction with this development.

The building of the proposed dwelling some 2.5 -3m from the tree will not increase any threat to the tree given the tree is less than 1m from a footpath and 2m from a

road. Any ongoing works there may be in the future would be minimal and certainly cannot be considered a threat to the tree.

The site already contains a group of younger trees and with the proposed new tree the modest site will have an ongoing programme of trees that will each contribute to the street scene over generations to come.

The threat to the tree is simply not there and would serve to deter the required remedial works and future ongoing work.

A TPO is not appropriate in this situation as the owner/applicant has demonstrated a desire to retain the tree and recognises its valued contribution in the proposed development setting as it reduces the impact of the proposal on the street scene.

The owner/applicant has already put forward proposals to put in place a long term plan for the retention and addition of trees on the land and for such proposals to be carried out with full consultation and approval by the council. It is maintained that such course of action and for parties to work in a cooperative and joint approach is far preferable than the rather confrontational and negative approach proposed by the TPO which puts barrier in the way of cooperation and is reacting to a non-existent threat.

The tree will be subject of a Arboricultural Impact Assessment if the matter reaches full plans stage and any restrictions and ongoing arrangements can be agreed as part of that process.

For the above reasons I maintain the proposed order would be inappropriate and urge that it should not be confirmed.

It is noted that the provisional TPO has been used by the planning officer in his report on the planning application. As applicant I have a limited time in which I am able to take any available steps in relation to that application. It is noted that this provisional TPO is in place for six months (so beyond the period in which I may make a planning appeal).

May I therefore ask that if, as I hope is the case, the decision is made to not confirm the Order, that such decision is made as soon as possible and the decision provided to myself and the planning department.

Gary Rolfe 6th June 2019