

Planning Committee

16 June 2020



	Tree Preservation Order
TPO No.	TPO 264/2020
Site Address	Land to front of Rowland Hill Almshouses Feltham Hill Road TW15 2DS
Date Served	20 January 2020
Expiry Date	17 July 2020
Ward	Ashford East
Executive Summary	Confirmation of TPO 264/2020
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 20 January 2020 Tree Preservation Order 264/2019 was served with immediate effect to protect one Monterey Pine (T1) and one Yew (T2) on this site.

2. Background

- 2.1 The two trees are located in the front garden area of the Vaughan Almshouses building in Feltham Hill Road Ashford.
- 2.2 In November 2019 a planning application was received, 19/01578/FUL, for the creation of a new car parking area in front of the existing buildings and which involved the removal of a number of trees and shrubs. The Tree Officer assessed the trees on site and considered that if the development were to go ahead there would be a significant threat to the viable retention of a number of trees.
- 2.3 In particular, the most significant tree on the site, a Monterey Pine was shown to be removed. The tree is highly prominent in the street scene from Feltham Hill Road and appeared to be healthy and stable with no obvious defects.
- 2.4 A Yew tree located close to the boundary in the south east corner of the site is also prominent in the street scene but was also shown to be felled.

- 2.5 A TPO was therefore made to protect both the Monterey Pine and the Yew tree because of their 'significant contribution to the visual amenities of the locality and the street scene'.
- 2.6 The planning application for the new car park was subsequently refused on 24 January 2020 because the removal of the trees would have a detrimental impact on the area and the visual amenities of the surrounding street scene. Currently no appeal against this decision has been made and there have been no further discussions on the possibility of amending the scheme to retain the trees, the subject of the TPO.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties, including residents and adjoining neighbours were served with copies of the Tree Preservation Order.
- 3.2 One representation dated 13 February 2020 has been received from the Manager of the almshouses representing the interests of the Rowland Hill Board of Trustees. (attached at Appendix 1) Objection is made on the grounds of health and safety and structural problems as set out below:

1. Structural problems

The roots are causing the pathway to be uplifted. The roots extend to such a degree that they cause issues with drainage and uplift the pathway. This could potentially damage the fabric of the Vaughan building which has an impact on our insurance. We have a duty to minimise such risks as trustees of a charity.

2. Health and safety

The uneven pathway caused by the extensive roots is a major concern. We provide safe and affordable accommodation to elderly women. The uneven pathway makes the grounds unsafe. It causes a tripping hazard and could increase the risk of falls. Our gardens are a major feature of our estate. Our residents are elderly and enjoy the gardens as part of their leisure. The proposal seeks to retain as much of the gardens and outdoor features as possible whilst attending to problems that could materialise further down the line.

3. Negative effects on the biodiversity

The lack of sunlight and shade causes issues with other plants and shrubs in the area. See extract from tree surgeon's report.

4. Safety concerns

The size of the trees cast shadows which impact on the lighting in the area. This is a concern as it makes the area quite dark and unsafe. There have been issues in relation to safety which we have addressed by installing CCTV and we naturally seek to minimise these.

- 3.3 In addition, the representations include an extract from the Tree Consultant's report submitted with the planning application. This confirms that both trees

were assessed as Category B – “retention desirable” but that, due to the rapid growth of the Pine (T1), “*many of the smaller trees and shrubs have been overtopped, limiting their development*”. The report continues:-

Of the two BS category B trees for removal the Pine, T13 (identified as T1 in the TPO), has outgrown its location with rapid canopy and height development. Its growth potential was probably not recognised when planted and it is still far from its full mature potential. Surface roots from the tree are already lifting the footpath, making it unusable and restricting the use of the garden area, with its canopy limiting light to shrubs and ground plants. Whilst it has external visual amenity value it is not appropriate for long term retention in its setting.

We ask that the decision to apply a tree preservation order is reviewed in the light of the points raised above.

For these reasons it is considered by the Trustees that the proposed Order would be inappropriate and should not be confirmed.

4. Comment

- 4.1 In response to these representations the Council’s Tree Officer has considered his assessment and has made the following observations
- 4.2 **Structural Problems** – I agree that the roots are lifting the pathway but the proposal was for the area to be developed in to a car park, if the tree was retained and incorporated into the scheme then the lifting of the path would not be relevant. Any issues with existing paths within the site can be addressed in any car park redesign by re-routing the paths or raising them clear of any root protrusion. With regards to damage to the building and drainage, I was unaware of any obvious damage on my visit and would be interested to see any surveys that identify problems.
- 4.3 **Health and Safety** – The gardens under the pine seem mostly untended and appear to be little used as there is significant debris build up under the trees, if the area was developed the tree could be retained within the proposals and any hazards could be reduced to an acceptable level.
- 4.4 **Negative Effects on the Biodiversity** – The pine does shade the area at present but minor remedial tree surgery, such as crown lifting would reduce this problem to an acceptable level, I agree that the other plants are being adversely affected by the dominance of the tree, but they are already poorly shaped plants that are unlikely to improve or develop into good specimens.
- 4.5 **Safety Concerns** – minor lifting should reduce shading.
- 4.6 **Extract from Tree Consultant’s Report** - I agree that the pine has dominated the adjacent shrubs/trees but they are all considered to be of lesser quality and we would not object to their removal, remedial work to the pine would allow more suitable planting to be incorporated into any development proposals. I concur that the tree has external visual amenity, it is already prominent in the street scene and has the potential to become a landmark tree, sensitive redevelopment of the land to a car park will allow the tree to be retained and continue to enhance the area.

5. Conclusions

- 5.1 The submitted representations appear to be mainly concerned with the impact of the Pine tree (T1) and no reasons have been given specifically for the removal of the Yew tree (T2) from the order. However, the inclusion of these two particular trees within a TPO does not preclude appropriate remedial work being carried out which may benefit their appearance or amenity value and their impact on other planting within the area.
- 5.2 No evidence of structural damage to the buildings or drainage has been submitted by the Trustees and it is not therefore possible to comment on this point further. Retention of the trees would not necessarily prevent development from proceeding but it would be necessary to amend the layout and possibly reduce the number of parking spaces. Any structural issues relating to the building, drainage or pathways could, if relevant be addressed at this time. The TPO would however, ensure that neither tree is removed prematurely or without good reason and that any planning application for the site properly takes into account the potential impact on the trees so that their long term amenity value can be safeguarded.
- 5.3 Consideration of whether the tree should be included in a TPO is separate from the determination of the original planning application and separate from the issue of any future remedial pruning. The only matter to be considered now is whether the tree is of sufficient amenity value to be preserved and whether it is expedient in all the circumstances to confirm the Order.
- 5.4 The Tree Officer's assessment and the Tree Consultant's report both concur that the tree is healthy and of sufficient merit to be retained. It is recognised that some of the other planting in the area is not of good quality and may have been affected by the presence of the Pine tree but this can be replaced and does not provide sufficient reason to remove the Pine tree. If the car park proposal were to be implemented much of this planting would be removed and replaced in any case.
- 5.5 It is considered that any development of this area presents a potential threat to the trees and, on balance, because of their wider amenity value, it is recommended that the TPO should be confirmed without modification.

Recommendation

Tree Preservation Order 264/2019 relating to land to the front of Rowland Hill Almshouses Feltham Hill Road Ashford be confirmed without modification.