

FAO Mr Geoff Daws
Planning
Spelthorne Borough Council

By Email

13 February 2020

Dear Mr Daws

Representations in Response to the Tree Preservation Order TPO 264/2020

We would like to make representations about the TPO above. Our grounds for the representation are essentially in respect of our duty of care to our residents in terms of health and safety and also in relation to our fiduciary duties as trustees. The trees cause issues which impact on the structure of the building, evenness of the grounds and the general safety of the premises as outlined 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.

Below is an extract from a recent report from the tree surgeon of Broad Oak Consultants Tim Laddiman BSc, (Hons), MIC for M.Arbor. Arboricultural 'Implications Assessment for Proposed Car Park' - Report dated: 10 October 2019

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Due to the rapid growth of the Pine, T13, many of the smaller trees and shrubs have been overtopped, limiting their development.

3. Inter tree/shrub crowding is also restricting the development of canopies, resulting in asymmetric growth, particularly along the road frontage.

4. 6.4 Of the trees inspected, the following is a breakdown of the various numbers of trees and groups in each BS category.
5. 6.5 Interpretation of table

BS Category	Tree No.	Sub Total
A	-	-
B	1, 3, 13, 17, 21	5
C	2, 4, 5, 6, 7, 8, 9, 10, 11, 12, G14, 15, 16, 18, 19, 20	16
U		-
	TOTAL	21

Category A Retention most desirable. Of high quality and value and in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested).

Category B Retention desirable. Of moderate quality and value and in such a condition as to make a significant contribution (a minimum of 20 years is suggested).

Category C Could be retained – of low quality and value. Poor crown form, heavily asymmetric, large numbers of similar species/size. Currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested) or young trees with a stem diameter below 150mm.

Category U Trees for removal. Dead/dying/dangerous trees due to structural defects, fungal decay or root plate uplift. Those in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.

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Of the two BS category B trees for removal the Pine, T13, 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 commissioned this report as part of the redevelopment project in order to establish the arboricultural implications for this or any further proposal.

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

Thank you for your consideration.

Yours sincerely,

The Rowland Hill Board of Trustees



Town and Country Planning (Tree Preservation)(England) Regulations 2012

**Town and Country Planning Act 1990
The Spelthorne Borough Council Tree Preservation Order
TPO 264/2019 – Rowland Hill Almshouses Feltham Hill Road
Ashford TW15 2DS**

The Spelthorne Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as TPO 264/2020 – Land to front of Rowland Hill Almshouses Feltham Hill Road Ashford TW15 2DS

Interpretation

2. (1) In this Order “the authority” means the Spelthorne Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation order: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall:

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 17th day of January 2020.

Signed on behalf of Spelthorne Borough Council

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Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Monterey Pine	Land fronting Vaughan Almshouses building
T2	Yew	Land fronting Vaughan Almshouses building

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation
none	-	-

Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in group)	Situation
none	-	-

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
none	-	-