

Planning Committee

28 June 2023



	Tree Preservation Order
TPO No.	TPO 285/2023
Site Address	Land (The Paddock) to the north west of Ladye Place, Riverbank Cottage and Bank Cottage, adjacent to Ferry Lane Shepperton TW17 9LQ
Date Served	2 March 2023
Expiry Date	2 September 2023
Case Officer	Emily Archibald
Ward	Shepperton Town
Executive Summary	Confirmation of TPO 285/2023
Recommended Decision	Confirm without modification

MAIN REPORT

1. Details of Order

- 1.1 On 2 March 2023 Tree Preservation Order 285/2023 was served with immediate effect to protect 2 individual trees, (1 no. Sycamore, 1 no. Willow) 3 Groups (G1) of 8 no. Sycamores, (G2) of 2 no. Sycamores & 1 no. Oak, and Group (G3) of 4 no Sycamores on this site.
- 1.2 A copy of the Tree Preservation Order Map is attached as an Appendix.

2. Background

- 2.1 The trees are situated to the east of Ferry Lane and north west of Ladye Place in Shepperton. The subject trees are located across the site, all within fairly close proximity to one another. They are prominent and contribute to the distinctive tree line along Ferry Lane.
- 2.2 The site is situated within the Green Belt and it is also located within a 1-in-100 year (flood zone 3a) and 1-in-20 year (flood zone 3b) flood risk area.

- 2.3 In June 2022, the Planning Department received a Tree Preservation Order (TPO) request raising concerns that trees within the subject land were under significant threat due to the land being recently put up for sale.
- 2.4 After visiting the site in August 2022, the Council's Tree Officer noted that there are trees of varying ages which add to the verdant character of the area. The trees were considered worthy of protection, and as such, an Area TPO was served in the same month to protect the trees and to allow time for a more in-depth assessment of each tree or group of trees at a later date. An Area TPO protects all the trees that are present within an area at the time the Order was made. They are often used when the trees are at imminent risk of being felled and provides immediate protection before a detailed assessment can take place. The originally served Area Tree Preservation Order (277/2022) was withdrawn due to technical issues and the Area Order was re-served. (279/2022) Following this, the original owners submitted a Tree Survey for the Council's Tree Officer to consider which trees to be included and which to exclude from the new Tree Preservation Order.
- 2.5 Following a detailed site inspection in January 2023, the Council's Tree Officer assessed all the trees within the site and considered that 2 no. individual trees (1 x Willow and 1 x Sycamore), and 3 groups (G1-8x Sycamore trees, G2- 2 x Sycamore and 1 x Oak, and G3- 4 x Sycamore) located across the whole site, were suitable for a Tree Preservation Order. During this visit, the Tree Officer noticed that the land had been cleared of shrubs and vegetation, but no trees had been felled. In making the TPO to cover two individual trees and three groups, it was considered that the trees were in reasonable condition, and are prominent from Ferry Lane, providing amenity value and woodland character. A number of trees within the original Area TPO were considered not suitable for a Tree Preservation Order due to either poor form structures, unsuitable locations or visible decayed areas.
- 2.6 As a consequence a full Tree Preservation Order was provisionally served which superseded the original Area TPO. This protected individual trees and groups of trees on the site. The Local Planning Authority has 6 months, from 2 March 2023, to decide whether to confirm the Order, and will take into consideration any letters of representation received.

3. Third Party Representations

- 3.1 As required under the legislation all affected parties, including owners and adjoining neighbours were served with copies of the Tree Preservation Order.
- 3.2 One letter of representation, dated 3 May 2023, has been received from the landowners (see Appendix) raising objection against all trees covered in the order on the grounds set out below:

1. Applying for permission

This land has been bought to enjoy and there is no intention of taking down the trees that are on it. However, in order to look after these trees, the owner does not want to have to ask for permission.

2. Species

The trees are on private land and although some of them can be seen from the road, they are not of rare breed or of any notoriety.

3. Visibility of the trees

The Oak tree that is marked out in G2 on the TPO is being strangled by tree ivy, it is difficult to establish its species and is hidden from view of the road by other trees and saplings and only people that have permission to be on the land can see it, it is not in the public domain.

4. Health & Safety concerns

T1 is an example of a tree that needs help, it is right on the public highway, next to a parking area, at present it seems that the centre of the tree is rotting from the inside out and may soon pose a health and safety risk to the general public. The owners will look after the trees on their land but believe it is very unfair that permission is required to do this involving costs. (Officer note: there is currently no application fee to undertake works to a TPO tree).

5. TPO Process

The trees and the land itself have been neglected for the last 30 years and until the 'For Sale' sign in August 2022, the trees and the land were not of any concern. The site could have been used for a huge phone mast.

6. Cost & Time

This TPO on various groups of trees will make the job of caring for the trees time consuming and very difficult, as well as costly.

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

4. **Comment**

- 4.1 In response to this representation the Council's Tree Officer has considered his assessment and has made the following observations:
- 4.2 **Applying for permission** – Applying for permission is free of charge, and if the requested work follows good practice it is granted within eight weeks. It would only be refused if the work was detrimental to the long-term health or structure of the trees.
- 4.3 **Species** – The trees do not need to be rare they just need to contribute to the street scene.
- 4.4 **Visibility of the trees** – Permission is not required to remove ivy. Further to this, the trees can also be viewed from Ferry Lane, the adjacent lake and the gardens of adjoining properties.
- 4.5 **Health & Safety concerns** – If a tree poses a safety risk, it can be dealt with quickly without the need to make a formal application. All requests for permission to undertake tree work are free of charge. All the trees selected for the revised TPO appeared sound and healthy and were showing no obvious signs of disease or decay at the time of inspection.

- 4.6 **TPO Process** – The land had been neglected and only the good quality trees were selected for the final group/individual TPO.
- 4.7 **Cost, time & additional work** – Any tree work requires an application, but as indicated above, there is no cost to submit the application. Furthermore, not all future owners may want to keep the trees therefore this TPO will allow the trees to be retained for the benefit of the public.

5. Conclusions

- 5.1 The submitted representation appears to be mostly concerned with the process of applying for the tree work, and the fact that some of the trees are considered to not be visible from Ferry Lane.
- 5.2 No evidence of the trees' health & safety concerns has been submitted by the owners. The trees selected for inclusion have been inspected by the Council's Tree Officer and an independent Arboricultural Consultant appointed by the former owners. They both concluded that the trees selected for the TPO were of suitable quality to warrant inclusion. Further to this, the retention of the trees would not necessarily prevent the owners from maintaining and improving the land; it would only involve an application, the cost of which is free, which should follow good practice.
- 5.3 The Tree Officer's assessment and the previous owners' tree survey allowed for a more detailed site inspection following the making of the Area TPO. The current (revised) TPO to be confirmed includes the better quality trees from the group; two individual trees and three groups. The remaining trees were excluded because they were not of sufficient quality to merit a TPO.
- 5.4 It is considered that any potential development of this area presents a threat to the trees and because of their wider amenity value, it is recommended that the TPO should be confirmed without modification.

Recommendation

Tree Preservation Order 285/2023 relating to Land (The Paddock) to the north west of Ladye Place, Riverbank Cottage and Bank Cottage, adjacent to Ferry Lane be confirmed without modification.