

# Planning Committee

10 December 2024



	<b>Tree Preservation Order</b>
<b>TPO No.</b>	TPO297/2024
<b>Site Address</b>	Ribera Las Palmas Estate Road Shepperton TW17 9HU
<b>Date Served</b>	17 July 2024
<b>Expiry Date</b>	17 January 2025
<b>Ward</b>	Shepperton Town
<b>Case Officer</b>	Vanya Popova
<b>Executive Summary</b>	Confirmation of TPO297/2024
<b>Recommended Decision</b>	Confirm without modification

## MAIN REPORT

### 1. Details of Order

- 1.1 On 17<sup>th</sup> July 2024, Tree Preservation Order (TPO297/2024) was served with immediate effect to protect 3 x Sycamore, 1 x Norway Spruce and 1 x Alder trees on the land of Ribera Las Palmas Estate Road Shepperton TW17 9HU.

### 2. Background

- 2.1 The site relates to a land referred to as Ribera located in the Las Palmas Estate Road off Rusell Road in Shepperton. Its northern boundary is adjacent to the nearby private single-track road, and the southern boundary faces the River Thames. This section of the narrow road allows vehicle access to the nearby residential properties (Terra Firma, Marsh Cottage and Laughing Waters). The subject land is well-landscaped, containing a number of the trees spread around the plot; the majority of which are orientated towards the nearby road. The site does not contain vehicle access and does not relate to land for residential use.
- 2.2 In terms of planning constraints, the entire area (including the site) is located in the Green Belt and the majority of the plot within the floodplain (Flood Zone 3b). In addition, there are number of trees within the site, and the nearby sites which are subject to Tree Preservation Order (TPO013/SUN) served in 1964. Furthermore, further north (opposite the access road) starts the Woodland Tree Preservation Order (TPO242-W001) served in 2013, which covers a large area of undeveloped land, mostly consisting of woodland.

- 2.3 In March 2024, it was brought to the Planning Department's attention that some trees within the Ribera site were potentially under threat when the Landowner enquired about the possibility of removal trees on site. In addition to this, a fir tree had already been removed from the site. The Council also received a third party TPO request.
- 2.4 Taking into account the site was well treed, particularly towards the north (near the track road) with none of these trees being subject to a Tree Preservation Order, the Council's Tree Officer considered that an emergency Area Tree Preservation Order (TPO296/2024-A1) was required and was subsequently served on 28 March 2024 with immediate effect. This was to allow him to gain a full assessment to determine exactly which trees were worthy protected under a separate Tree Preservation Order covering only individual trees.
- 2.5 In July 2024, Council's Tree Officer revisited the site and assessed each tree individually within the subject Area TPO (TPO296/2024) and the Tree Evaluation Method for Preservation Orders Assessment (TEMPO) confirmed that 5 no. trees (3 x Sycamore, 1 x Alder, and 1 x Norway Spruce) were to be put forward for an individual TPO. They were considered to be good semi-mature specimens with no obvious faults nor any signs of disease or decay. It was considered that the trees were visible from the Las Palmas Estate Road and the Council's Tree Officer noted that they add positively to the woodland character within the area. The remaining trees within the Area TPO were considered not suitable for a Tree Preservation Order due to either poor form structures or growing in unsuitable locations.
- 2.6 Consequently, the Area Tree Preservation Order (TPO296/2024) was superseded by the new Tree Preservation Order (TPO297/2024) concerning 5 no. individual trees (3 x Sycamore, 1 x Alder, and 1 x Norway Spruce). The landowner objected to the TPO297/2024 on several grounds (summarised below). One of the reasons for objection included the locations of the selected trees being inaccurate in the TPO map.
- 2.7 It should be noted that the original TPO map that was served was amended due to discrepancies amongst the selected trees and how they were plotted on the map. Therefore, a new TPO map was re-issued which resulted interested parties to be re-notified and the consultation period being extended. Following this, the land owner confirmed that his objection regarding inaccuracy of the TPO map remains unchanged. It was further indicated the other reasons for objecting to the TPO297/2024 remain unchanged.

### **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 The Council received two letters of representation within the consultation period and the re-notification stage from the landowner raising objection to the TPO297/2024. The Council's Tree Officer has provided comments in response to each point raised which are summarised below:-
1. *T1 (Sycamore shown within the TPO Schedule) is NOT of great importance to the amenity of the locality. Consequently, should be removed from the TPO297/2024.*

The majority of the trees within this area are Sycamores and it is usually recommended that this type of species are spaced 19m apart to prevent overcrowding, which is the case here. The letter of objection considers that the T1 does not have any great importance to the amenity of the locality and does not make any significant contribution to the visual amenities of the locality. Due to its location (private road), the tree will not be seen by the general public.

2. *Ribera should have vehicular access (T1 is the main obstacle for access)*

The letter of objection states that the owner used to gain vehicle access by the existing driveway of the adjacent residential property Marsh Cottage. However, the owner has recently been denied access to the neighbouring land and he considers the T1 and its Root Protection Area are the main obstacle of creating a direct vehicle access to the Ribera land. The owner has indicated that the subject land has been used for leisure purposes (including water sports activities). In addition, over the years the site has also been used occasionally for celebrations, camping (in tents and mobile homes) barbecues or just to relax with friends and their families. The lack of direct vehicle access has resulted in the owner no longer being able to transport the sports equipment and has made it challenging to enjoy the site.

3. *The TPO297/2024 will prevent access for Emergency vehicles*

There are existing sheds/outbuildings within the land. Due to a neighbour dispute, it is required that a fence is to be installed between Ribera and Marsh Cottage and this would result in no emergency access for the Ambulance or the Fire Brigade to the Ribera land via the Marsh Cottage.

4. *No vehicular access reduces the land value of Ribera*

The letter of objection states that without the vehicular access, the value of the plot will be impacted.

5. *The request to TPO these trees is a vindictive attempt by a couple of neighbours to prevent access to Ribera.*

The TPO request was made purely due to neighbour disputes.

6. *The latest TPO map is still shows the location of the selected trees inaccurately*

The owner is still in a view that T1, T4 and T5 are still inaccurately plotted on the latest map.

3.3 It is also worth noting that the Council received a letter of support by an interested party during the emergency Area Tree Preservation Order **TPO296/2024**. Reasons for supporting included:-

- A tree had already been cut
- Amenity value
- Trees under treat

#### **4. Council's Tree Officer comments:-**

4.1 In response to this representation the Council's Tree Officer has considered his assessment and has made the following observations:

#### **4.2 T1 (Sycamore) tree should be removed from the TPO297/2024**

The Sycamore identified as T1 (as shown within the TPO map) is healthy and stable, in a good condition and on a par with the other protected sycamores. The tree adds to the wooded character of the road by mirroring the existing tree cover which lines the road on both sides, and as many of the older trees within the wood are declining retaining good healthy trees is important for the continued tree cover of the area. The tree is visible to anybody visiting the other properties in the road and removing this tree would create another gap in the tree cover lining the road.

#### **4.3 Ribera should have vehicular access (T1 is the main obstacle for access)**

The tree sits on top of a bund which runs the entire length of the plot. This has always prevented vehicular access to this part of the plot. No comment is offered on the access granted previously by Marsh Cottage as this is a civil matter rather planning related.

The Council's Tree Officer notes that the presence of the bund means that access is difficult, but this could be overcome by a no dig engineered solution which would allow the roots and tree to remain. The lack of parking and condition of the road is not a planning matter that can be reviewed under the Tree Preservation Order stage.

#### **4.4 The TPO297/2024 will prevent access for Emergency vehicles**

Spelthorne contains a number of riverside plots that do not have vehicular access and are not within 45 metres of a parking area. This is a leisure plot, not a residential dwelling and access was always likely to be challenging.

#### **4.5 No vehicular access reduces the land value of Ribera**

Monetary value is not a planning matter.

#### **4.6 The TPO request was made purely due to neighbour disputes**

Any TPO request is assessed on the merits of the trees regardless of the reasons for it being brought to the attention of the Council. The trees were inspected and considered to be good specimens, there was a risk that one or more of the trees might be cut down and they added to the wooded character of the road. These reasons meant that they warranted a TPO.

#### **4.7 The latest TPO map is still shows the location of the selected trees inaccurately**

The Council's officers has plotted the trees as accurately as possible given the limited measuring points due to unclear boundaries. It is considered that

the protected trees can easily be identified on site from the plan and do not consider that the locations are misleading. The trees are identified on the plan by a circle and the stem of the tree can be anywhere in the circle, this allows for some leeway with the position of the stem.

**5. Conclusions**

- 5.1 The submitted representations appear to be mostly concerning the neighbour disputes and the owner wishing to create a direct vehicle access onto Ribera land. Ultimately, the Tree Officer has concluded that the selected trees add positively to the wooded character of the road and are good specimens enough to warrant its protection by a Tree Preservation Order.

**6. Recommendation**

- 6.1 That Tree Preservation Order 297/2024 relating to Ribera Las Palmas Estate Road Shepperton TW17 9HU be confirmed without modification.