

PLANNING COMMITTEE – 12 MAY 2020

CONFIRMATION OF TREE PRESERVATION ORDER REF. TPO/0012/2019 – LAND AT FLORENCE COURT, FLORENCE WAY

Executive Summary

The purpose of this report is to recommend to the Committee that a Tree Preservation Order be confirmed following the receipt of five letters of objection to the making of the Order. The Tree Preservation Order protects an area of trees including Acer, Beech, Lime and Sequoia on Land at Florence Court, Florence Way, Knaphill

Recommendations

The Committee is requested to:

RESOLVE that Tree Preservation Order Ref. TPO/0012/2019 be confirmed without modification

This Committee has authority to determine the above recommendations.

Background Papers:

Plan from Tree Preservation Order showing location of tree

Letters of objection:

Mrs Fiona Kergoat of 26 Florence Court

Mr Michael Bonner of 12 Florence Way

Mrs Diana Murray of 44 Florence Court

Callum Smith of First Port Property Management

Letters of Support

Sydney Shore CBE of 45 Florence Court

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Introduction

A Tree Preservation Order was made on 1st November 2019 to protect an area of trees on Land at Florence Court, Florence Way, Knaphill (Ref. TPO/00012/2019) (**Appendix 3**).

- 1.1 The plan from the Tree Preservation Order showing the location of the tree is attached at **Appendix 1**.
- 1.2 Four objections were received to the making of the Tree Preservation Order. These objections are attached at **Appendix 2** as is one letter of support.
- 1.3 Notwithstanding the objections received to the making of the Tree Preservation Order, the recommendation is that it be confirmed without modification.

2.0 Background Information

- 2.1 Further to the Council being notified via email of the intention for First Port Property Services to remove 17 Lime trees from around Florence Court, a TPO was made to protect these and other trees on site.

3.0 Letters of objection

- 3.1 One letter of objection was received by the Council on the 6th November 2019 from Mrs Fiona Kergoat of 26 Florence Court objecting to the making of the Order on the following grounds.
 - The trees that border the roadway through the grounds and overhang car parking spaces which has therefore caused damage to cars in the summer. The trees have been pruned to stop the above problem however there was no improvement
 - The roots of the trees are spreading with potential damage to roadways and garages.
 - The trees are unsuitable for a parking area and should never have been planted.
- 3.2 One letter of objection was received by the Council on the 13th November 2019 from Mr Michael Bonner of 12 Florence Way Court objecting to the making of the Order on the following grounds.
 - A number of trees are located immediately adjacent to the boundary fence. One in particular has branches that come over into the property and unless cut back cause damage to the fence and presents an obstruction into the rear entrance of the garage.
 - The tree casts significant shade into the garden which is obstructive and prevents grass from growing properly in parts of the garden.
 - The roots of the lime tree come into the garden and can be seen extending across the garden. There is no visible concern with this, however, it is evident the roots run close to the garage and to the drainage system in the garden
 - Two trees on the eastern border are still maturing and at present do not currently block lights to the property however as they mature it is likely that these will cast shade across the garden.
 - The TPO restricts the ability to manage the impact of the trees growth on the property.
- 3.3 One letter of objection was received by the Council on the 12th November 2019 from Mrs Diana Murray of 44 Florence Court objecting to the making of the Order on the following grounds.
 - The trees that border the roadway through the grounds and overhang car parking spaces which has therefore caused damage to cars in the summer. The trees have been pruned to stop the above problem however there was no improvement
 - The sap has damaged paintwork which has meant that the value of the cars have reduced. Wipers and their motors have had to be replaced at a cost due to the sap.
 - The roots from the Limes are likely to spread under the road and garages causing potential damage.
 - The tree planting is considered unsuitable for car parks.

3.4 One letter of objection was received by the Council on the 8th November 2019 from Callum Smith of First Port Property Management objecting to the making of the Order on the following grounds.

- The trees pose as a significant risk and are damaging resident's vehicles
- Possible future damage to cars, roads and garages. There is a high chance of owners claiming for damages to their cars which will in turn increase insurance premiums.
- First port has been advised that due to the abundance of trees in the car park area the removal of the Limes would help the adjacent trees to thrive.

3.5 The Tree Officer's response to the objections received is as follows:

3.6 The damage to vehicles from sap and other falling detritus is a common theme throughout the 4 letters of objections. The council does not consider this to be a justifiable reason to remove a tree given that the issue is seasonal and is manageable under a vigilant regime of cleaning and maintenance of private vehicles. There has been no evidence presented to the council via photos or invoices to outline the damage caused or that the trees are the reason that insurance premiums may increase.

3.7 Another common theme is the apprehension felt by users of the site that the roots of the trees have potential to cause damage to roads and buildings adjacent to the trees. Although this is more difficult to determine as the roots will follow a path suitable for them to aid the trees growth, it is seen as an unacceptable reason to remove the tree without evidence of the damage caused. Where there is damage the council would not object to this being abated through careful root pruning or other suitable works.

3.8 Within the First Port objection, it is noted that the removal of the Lime trees will allow the other trees on site to thrive. The Councils arboricultural officers feel that the loss of 17 trees is an unacceptable loss to the overall canopy cover of the site which cannot solely be replaced by the future canopy spread of existing trees.

3.9 Lime trees are planted throughout the borough both within the street scene and on new developments. In a number of the objections it has been noted that the objectors feel that the trees are located in inappropriate locations and that they are the wrong species. Limes are often planted in areas where there is limited rooting as they are a highly resilient species. They are able to tolerate poor rooting environments and can tolerate most pruning operations as they react well.

3.10 Where trees are protected by a TPO this will not prevent the management company or residents from maintaining their trees in an appropriate manner. An application would be required to carry out works to trees unless the council is notified under the 5 day dead and dangerous notification which would then be assessed by the Councils' tree officer. Furthermore the Council's tree officers are available to attend site prior to application to discuss potential works and provide advice on a suitable way forward.

3.11 Minor pruning would be considered subject to a formal application.

3.12 Under Tree Preservation legislation the trees must have amenity value and that "Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public". In this instance the location of the protected trees makes for a high level of public amenity value and confirms the appropriateness of making a TPO.

3.13 The authority must also consider if it is "expedient" to make a TPO. A TPO is considered to be expedient "if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area". Given the potential harm relating to the proposed plans on the trees, it was seen as necessary to protect the trees in an expedient manner.

4.0 Implications

Financial

4.1 None

Human Resource/Training and Development

4.2 None

Environmental/Sustainability

4.3 The area of Lime, Acer, Beech and Sequoia trees that have been protected are likely to continue making a significant contribution to the character and amenities of the locality for many years to come. Removal would have a detrimental impact on public amenity.

5.0 Conclusions

5.1 Given the trees high public amenity value and the threat from removal, protection of the trees is considered appropriate and it is recommended that the Tree Preservation Order be confirmed without modification.

REPORT ENDS